

URBAN/MUNICIPAL  
CA4 ON HBL A05  
C51P4 1992

#1

Agendas / minutes of the  
Planning and Development  
Committee of Council  
MAR/25/1992 - Apr/22/92







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1992 March 19

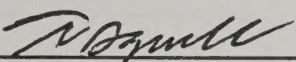
**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1992 March 25

9:30 o'clock a.m.

Room 233, City Hall

  
\_\_\_\_\_  
Tina Agnello, Secretary  
Planning and Development Committee

**AGENDA:**

**9:30 O'CLOCK A.M.**

1. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

Amendment to the Official Plan and Amended Zoning Application 91-69, for a change in zoning from "J" to "DE-3", for property located at No. 165 Burton Street; Keith Neighbourhood

2. **CONSENT AGENDA**

URBAN MUNICIPAL  
MAR 20 1992  
GOV  
MENT DOCUMENTS







3. ALDERMAN EISENBERGER

Roof water connections to storm sewers on new developments

9:45 O'CLOCK A.M.

4. DELEGATION - URBAN DESIGN COMMITTEE

4.1 Fred Vermeulen - Request that the Urban Design Committee be circulated on Municipal projects dealing with Urban Design matters

4.2 Lynda Morris - Urban Safety Study

10:00 O'CLOCK A.M.

5. COMMISSIONER OF PLANNING AND DEVELOPMENT

Zoning Application 89-94, No. 820 Rymal Road West, condition of approval; Broughton West Neighbourhood.

ZONING APPLICATIONS

10:30 O'CLOCK A.M.

6. Zoning Application 91-72, The Barn Fruit Markets Inc., lessee, for a further modification to the "JJ" District regulations for property located at No. 2371 Barton Street East; Nashdale Neighbourhood

(a) Submission - Bruce S. Law, Chambers and Co. Ltd., 20 Hughson Street South, Hamilton, L8N 2A1

7. Zoning Application 91-73, Benemar Construction Inc., owner, for a change in zoning from "C" to "R-4" for lands located south of Rymal Road East and west of the proposed extension of Upper Wentworth Street; Chappel West Neighbourhood

(a) Submission - Janice Lattin, TransCanada Pipelines, 111-Fifth Avenue S.W., P.O. Box 1000, Station M, Calgary, Alberta, T2P 4K5



1. The first part of the paper is devoted to a general discussion of the problem.

2. In the second part, we shall consider the case of a single particle.

3. The third part is devoted to the case of a system of particles.

4. In the fourth part, we shall consider the case of a continuous medium.

5. The fifth part is devoted to the case of a system of continuous media.

6. In the sixth part, we shall consider the case of a system of continuous media.

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14. In the fourteenth part, we shall consider the case of a system of continuous media.

15. The fifteenth part is devoted to the case of a system of continuous media.



**10:45 O'CLOCK A.M.**

8. Amended Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, for a change in zoning from "D" to "E-2", modified, for Block "1", and for a modification to the "H" District regulations for Block "2", for property located at Nos. 320-330 Charlton Avenue East; Kirkendall North Neighbourhood

**Submissions**

- (a) Mary A. Campbell, 231 Locke Street South, Hamilton, L8P 4B8
- (b) Yvonne G. and Christopher L. Misener, 294 Herkimer Street, Hamilton, L8P 2J1
- (c) Peter and Robin Barker, 400 Charlton Avenue West, Hamilton, L8P 2E7
- (d) Bernard Dyer and Annett Hitchcock, 380 Charlton Avenue West, Hamilton, L8P 2E7
- (e) Richard Glendenning, 394 Charlton Avenue West, Hamilton, L8P 2E7
- (f) M. and E. DiFiore, 347 Charlton Avenue West, Hamilton, L8P 2E6
- (g) Lillian and Russell Wilson, 334 Charlton Avenue West, Hamilton, L8P 2E7
- (h) Camillo DiIppolito, 390 Charlton Avenue West, Hamilton, L8P 2E7
- (i) Ross and Nadine Sanders, 362 Charlton Avenue West, Hamilton, L8P 2E7
- (j) Italo and Ellen Horo, 374 Charlton Avenue West, Hamilton, L8P 2E7
- (k) S. Wesley-James and Robert A. Craske, 381 Charlton Avenue West, Hamilton, L8P 2E6
- (l) N. M. Boyd, 398 Charlton Avenue West, 398 Charlton Avenue West, Hamilton, L8P 2E7
- (m) Teresa and S. Lamanna, 396 Charlton Avenue West, Hamilton, L8P 2E7
- (n) E. Jensen, 405 Charlton Avenue West, Hamilton, L8P 2E6
- (o) Roy Harrison, 408 Charlton Avenue West, Hamilton, L8P 2E7
- (p) Ruth Bullard, 298 Charlton Avenue West, Hamilton, L8P 2E7
- (q) Antonio and Madaline Anacleto, 393 Charlton Avenue West, L8P 2E6







**11:00 O'CLOCK A.M.**

9.    9.1    Report of the Joint Carter Square Advisory Committee
- 9.2    Carter Square Neighbourhood Plan Amendment
  - (a)    Submission - James C. Drake, Central/Beasley P.R.I.D.E.  
          Joint Carter Square Advisory Committee
  - (b)    Submission - Ken Hastings, Vice-President, Beasley Association, 179  
          Mary Street, Hamilton, L8L 4V9
10.    Amended Zoning Application 91-61, Maurice C. Carter Holdings Ltd., owner, for a  
      change in zoning from "H" to "E-3", modified, for lands located within the block  
      bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson  
      Avenue; Beasley Neighbourhood
  - (a)    Submission - Karen Fraser, CN Rail, Suite 401, 277 Front Street West,  
          Toronto, M5V 2X7
  - (b)    Submission - Shirley and Dave Spicer, 61 Cathcart Street, Hamilton, L8R 1M6
11.    **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

      Workshop on Neo-Traditional Neighbourhood Design - University of Waterloo, 1992  
      April 22-23
12.    **CONFIDENTIAL AGENDA**
12.    **OTHER BUSINESS**
13.    **ADJOURNMENT**



1. The first part of the report is a summary of the work done during the last year.

2. The second part is a description of the work done during the last year.

3. The third part is a description of the work done during the last year.

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OUTSTANDING LIST

PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 February
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns

1992 March 19







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 18  
ZA-91-69  
Industrial Sector "A"  
Keith Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Second Report

Request for an Official Plan Amendment and a change in zoning - No. 165  
Burton Street.

**RECOMMENDATIONS:**

- A. That approval be given to Official Plan Amendment No. to redesignate lands located at No. 165 Burton Street, from "INDUSTRIAL" to "RESIDENTIAL", and to remove the subject lands from "SPECIAL POLICY AREA 11" and to place them within "SPECIAL POLICY AREA 8", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to amended Zoning Application 91-69, Agommen Ltd., prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District modified, to "DE-3" - 'H' (Multiple Dwellings - Holding) District modified, to permit a 24 unit stacked townhouse development, on property located at No. 165 Burton Street, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed. Furthermore, the applicant/owner is required to apply for and receive approval of a Site Plan including a noise study.
  - ii) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District;



- iii) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 10C(3)(i)(b), a minimum front yard of a depth of at least 3.0 m shall be provided and maintained;
  - b) That notwithstanding Section 10C(3)(ii)(b), a minimum side yard of a width of at least 3.0 m shall be provided and maintained;
  - c) That notwithstanding Section 10C(3)(iii)(b), a rear yard of a depth of at least 15.0 m shall be provided and maintained;
  - d) That notwithstanding Section 18.8(c) 1., a minimum building distance separation of 10.0 m shall be provided and maintained;
  - e) That notwithstanding Section 10C(5), a maximum of 24 multiple family dwelling units shall be permitted;
  - f) That notwithstanding Section 10C(6) at least 30% of the lot area shall be provided and maintained as landscaped area;
  - g) That Section 18A(1)(c) shall not apply;
  - h) That a solid visual barrier not less than 2.0 m in height shall be provided and maintained along the northerly lot line;
  - i) That a visual barrier not less than 1.2 m nor more than 2.0 m in height shall be provided and maintained along the easterly side lot line, except for any area used for driveway access;
- iv) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S- ; and that the subject lands on Zoning District Map E-11 be notated S- ;
- v) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth; and,
- vi) That the Keith Neighbourhood Plan (Industrial Sector "A") be amended by redesignating the subject lands from "INDUSTRIAL" to "MEDIUM DENSITY APARTMENTS".

#### **EXPLANATORY NOTE:**

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O. on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed, and the applicant/owner has applied for and received approval of a Site Plan including a Noise Study.



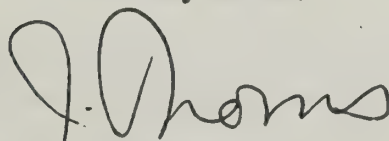
City Council may remove the 'H'symbol, and thereby give effect to the "DE-3" District provisions as stipulated in the amending By-law outlined below once the conditions are fulfilled.

The purpose of the By-law is to provide for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District modified, to "DE-3" - 'H' (Multiple Dwellings - Holding) District modified, for property located at No. 165 Burton Street, as shown on the attached map marked as APPENDIX "A".

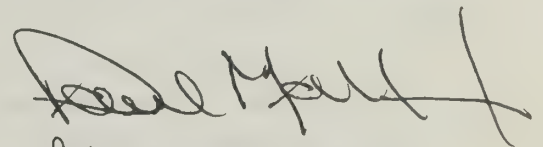
The effect of the By-law is to permit redevelopment of the subject lands for stacked townhouses (24 units proposed). A total of 30 parking spaces are to be provided on-site.

In addition, the By-law provides for the following variances as special requirements:

- to permit a minimum front yard depth of 3.0 m whereas 5.88 m is required;
- to permit minimum side yard widths of 3.0 m whereas 3.93 m is required;
- to require a minimum rear yard depth of 15.0 m whereas 6.48 m is required;
- to require a minimum building distance separation of 10.0 m between buildings on the lot;
- to require a minimum of 30% of the lot area to be provided and maintained as landscaped area, whereas 25% is required;
- to exempt the development from providing one (1) - 3.7 m x 9.0 m x 4.3 m loading space on site;
- to require a solid visual barrier not less than 2.0 m in height to be provided and maintained along the northerly lot line;
- to require a visual barrier not less than 1.2 m nor more than 2.0 m in height to be provided and maintained along the easterly side lot line, except for any area used for driveway access;



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



## **BACKGROUND:**

- Proposal

The purpose of the proposed change in zoning is to permit redevelopment of the subject lands for stacked townhouses (24 units proposed - see Appendix "B").

- Previous Proposal

At its meeting held on March 5, 1992, the Planning and Development Committee Tabled the application in order to give the applicant an opportunity to come up with a revised plan which addresses concerns respecting open space areas and parking.

- Revised Plan

As a result of a meeting held with the applicant, his architect and the Planning Department, a revised preliminary site plan that has been submitted (see APPENDIX "B"), which provides for 24 stacked townhouse units as opposed to 27 units; an increase in the landscape area to 30% from 27%; two buildings with a separation distance of 10.0 m as opposed to one long building; an enlarged play area; and provision of the required 30 parking spaces.

- Environmental Soils Report

On October 10, 1991 a professional Geotechnical/Geo-Environmental Investigation was prepared for the applicant by the firm PetoMacCallum Ltd., Consulting Engineers. The report concluded that; "Based on the results of the environmental testing the on-site soils are classified as non-hazardous, non-registerable and considered suitable for on-site reuse and/or disposal on residential/commercial properties."

- Environmental Noise Analysis

An environmental noise analysis has not been prepared for the site.

- Housing Intensification Strategy

On June 25, 1991, City Council adopted, among others, the following policy with regard to the "Housing Intensification Strategy - Redevelopment, Infill, Non-Residential Conversions and other Initiatives":

- "3.    iii)   That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement."



**APPLICANT:**

Agommen Ltd., prospective owner.

**LOT SIZE AND AREA:**

- 91.44m (300.0 ft.) of lot frontage on Burton Street;
- 28.34m (93.0 ft.) of lot depth; and,
- 2,591.9m<sup>2</sup> (27,900 sq. ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	industrial building	"J" (Light and Limited Heavy Industry, etc.) District,
<u>Surrounding Lands</u>		
to the north	railway spur line and single-family dwellings	"J" (Light and Limited Heavy Industry, etc.) District and "D" (Urban Protected Residential, One and Two family Dwellings, Townhouses, etc.) District, modified
to the south	single-family dwellings	"J" (Light and Limited Heavy Industry, etc.) District, modified
to the east	gasoline service station	"H" (Community Shopping and Commercial, etc.) District, modified
to the west	industrial building	"J" (Light and Limited Heavy Industry, etc.) District, modified



## **OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" - Land Use Concept Plan and are also located within "SPECIAL POLICY AREA 11" of the Official Plan. The following policies, among others, would apply:

- "A.2.3.1      The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:..
  
- A.2.3.14      The primary uses permitted in this (Light Industrial) category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
  
- A.2.3.22      In amending the Plan to permit a change in use from Residential to LIGHT INDUSTRIAL or LIGHT INDUSTRIAL to Residential in areas where a mix of Residential and Industrial is permissible in the short-term, Council will consider the following in the preparation of appropriate by-laws:
  - i)      Recommendations of any future residential enclave studies;
  - ii)     The advisability of retaining existing buildings or uses in terms of their architectural or historical merit, or employment opportunities;
  - iii)    The extent to which a change in use would adversely affect the continued compatibility of neighbourhood uses; and,..
  
- A.2.3.33      Where existing INDUSTRIAL and Residential Uses are located in close proximity to each other, Neighbourhood Plans may be prepared, as set out in Subsection D.2, to identify potentially viable Residential areas, INDUSTRIAL areas and areas where a mix of Residential and INDUSTRIAL USES may be tolerated in the short-term. Council's long term planning objectives will be for the removal of Residential Uses from established INDUSTRIAL USE areas.
  
- C.7.1          In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
  - vii)    The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses.



A.2.9.3.6 Within SPECIAL POLICY AREA 8 indicated on Schedule "B", where dwellings are permitted to front on Wentworth Street, or are adjacent to industrially designated lands, with the exception of Light Industrial Uses, the following measures will be required to minimize the existing or potential impacts emanating from industries or traffic:

- i) The use of sound attenuating construction techniques and materials;
- ii) The orientation of habitable rooms away from the source of the impacts;
- iii) The joining of dwelling units in a manner which best attenuates noise intrusion into the interior of the SPECIAL POLICY AREA; and,
- v) The inclusion of air conditioning to avoid window openings and penetration of noise and polluted air."

The proposal does not comply with the intent of the Official Plan. An amendment would be required to redesignate the subject lands from "INDUSTRIAL" to "RESIDENTIAL". In addition, the subject lands should be removed from Special Policy Area 11 and be placed within Special Policy Area 8.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "INDUSTRIAL" on the approved Keith Neighbourhood Plan, the proposal does not comply. Approval of the application would require redesignation of the subject lands to "MEDIUM DENSITY APARTMENTS".

#### ***COMMENTS RECEIVED:***

- The Building Department has advised that:

- "1. The two proposed buildings are multiple dwellings containing a total of 24 dwelling units.
- 2. A minimum of 30 parking spaces and 1 - 3.7m x 9.0m x 4.3m loading space is required on the lot.
- 3. The cantilevered portions of the buildings shall be considered for overall building dimensions, gross floor area, yard requirements and building face for setbacks. Verify all pertinent information.
- 4. It appears that the maximum gross floor area may be exceeded. Site area should be verified.
- 5. The separation distance between the buildings shall be one half height of 11m.



6. The following is the minimum required yards:

Front yard: - 5.88 m west building

5.83 m east building

Side yards: 3.93 m (east)

3.34 m (west)

Rear yards: 6.48 m west building

6.43 m east building

Note: All yards to be measured to wall face of cantilever.

7. The alleyway may only be used for a oneway direction access driveway, which would be hard to regulate."

- The Traffic Department has advised that:

"..while we have no objection to the change in zoning, we do have the following comments to make about the preliminary plan.

A 24 unit multiple dwelling requires 30 parking spaces, six of which should be visitor parking. We recommend that all required parking be supplied. It is also required to have one 3.7 x 9.0 loading space with adequate manoeuvring room for a truck to turn around on site. A variance to permit off-street loading can be supported.

In addition, the status of the alley along the east side of the property should be clarified. If the intent is to use the alley to access the project, we recommend that the alley be widened to 6.0 meters to allow two way movements."

- The Hamilton Wentworth Transportation/Environmental Services Group - Roads Department has advised that:

"There are public watermain and combined storm and sanitary sewers available to service these lands.

The existing road allowance width of Barton Street and Cheever Street is 15.24m which is the absolute minimum for the City of Hamilton Streets. Since these roadways are less than 20.12m in width, daylight triangles are required at the intersections to provide for required turning radii and sidewalk behind the curb line. In order to provide for this, we recommend that as a condition of development approval, that a 3.048m x 3.048m daylight triangle at the northeast corner of Burton and Cheever Street be dedicated to the City of Hamilton for road widening purposes.



According to our plans, the existing building at No. 165 Burton Street encroaches into the Cheever Street road allowance. Should the existing building be retained, we recommend that as a condition of approval the owner enter into an encroachment agreement with the City.

Any other works which may occur within the road allowances and the daylight triangles as widened, must conform to the City's Streets By-Law.

The site plan should be revised to reflect the widened daylight triangle limits and setbacks taken from these limits.

We recommend that the building features be modified at the corner of Burton and Cheever and that the alley provide improved visibility for vehicles entering this area, since motorists now entering the roadway/sidewalk area would virtually do so blindly.

According to our records, the alley to the east of the subject lands is public unassumed. The applicant may wish to initiate steps to close the alley to the east of the subject lands since it provides limited access to adjacent lands.

We recommend that if approved, the subject lands be developed through site plan control. At that time we will submit our specific comments on the site, grading and landscape plans."

- CP Rail has advised that:

"Residential development in close proximity to our right-of-way is not compatible with railway operations. The health, safety and welfare of potential residents could be adversely affected by railway activities. The present "J" District zoning (Light and Heavy Industry) is much more compatible with Railway operations. However, should the proposed residential subdivision be approved, CP Rail requests the following minimum conditions be imposed on the development:

1. Dwellings should be set back a minimum distance of 15 metres from the property line. Unoccupied buildings, as garages may be exempted.
2. A 6 foot chainlink fence be installed along our common property line, said fence to be erected and maintained by the developer.
3. Dwellings must be constructed such that interior noise levels meet the criteria of the appropriate ministry.
4. There shall be no increase or change in the direction of natural drainage affecting Railway property without first obtaining written consent from the Railway.



5. Any proposed utilities under or over Railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement."
- The Ministry of the Environment has verbally advised that they are not opposed to the change in zoning and it would be appropriate to undertake a noise study to determine what mitigative measures may be appropriate at this location. With regard to the soils study submitted by the applicant, the Ministry has advised that they require more information concerning the former use of the site prior to final approval and decommissioning. Furthermore, it would be appropriate to require a Noise Study.
  - The Economic Development Department has advised that:  

"The Economic Development Department offers no objections to the change in zoning from J to DE-3 at the above noted property. However, the loss of industrial zoned land on what will eventually become a major interchange for the Permitter Road may have future ramifications (i.e. noise complaints of residences in the newly constructed townhouse complex)."
  - The Hamilton Region Conservation Authority has no objection.

#### **COMMENTS:**

1. The proposal does not comply with the intent of the Official Plan. An amendment would be required to redesignate the subject lands from "INDUSTRIAL" to "RESIDENTIAL". In addition, the subject lands should be removed from Special Policy Area 11 and be placed within Special Policy Area 8.
2. The subject lands are designated "INDUSTRIAL" on the approved Keith Neighbourhood Plan, the proposal does not comply. Approval of the application would require a redesignation to "MEDIUM DENSITY APARTMENTS".
3. The proposal has merit and can be supported for the following reasons:
  - it is a suitable form of infilling and residential intensification which is encouraged not only by the Province, but by City Council as a method of increasing the supply of affordable housing (Housing Intensification Strategy);
  - it would be compatible with established development in this area comprised primarily of single - family dwellings;
  - it would enhance the area and is an adaptive re-use of an unkempt industrial site;
  - it will provide a catalyst to encourage future residential development on vacant and under utilized lands.



4. Approval of the amended application would require the following by-law variances:

- Required Yards

Minimum front yards of 5.88 m (west building) and 5.83 m (east building ) are required, whereas, minimum front yards of 3.0 m are being proposed. Taking into consideration the limited lot depth of the site, and that the proposed setback would be in character with front yard setbacks established for buildings in this area along Burton Street, the variances are considered minor in nature and can be supported.

Minimum side yards of 3.34 m (west building) and 3.93 m (east building) are required, whereas, minimum side yards of 3.0 m are being proposed. Given the increased building separation, the requested variances are considered minor in nature and can be supported.

- Loading Space

A 24 unit multiple - family dwelling requires one (1) 3.7 m x 9.0 m x 4.3 m loading space to be provided and maintained on site. The Traffic Department is not opposed to the requested variance to delete the required loading space.

In addition, the zoning should be modified to restrict the number of units to 24 as proposed; require a minimum building separation distant of 10.0 m as proposed; and a minimum landscaped area of 30% as proposed.

In keeping with the recommendation of CP Rail, a minimum rear yard depth of 15.0 m should be required.

With regard to the requirement for a minimum 6.0 foot high chain link fence to be installed along the common property line, this matter has been reviewed with the railway and they are prepared to accept a 6.0 foot high closed fence (visual barrier) at this location, provided that the structural members are away from the proposed development to discourage climbing. In addition, in order to provide privacy and to screen the development from view of the adjoining commercial development to the east, a minimum 1.2 m to 2.0 m high visual barrier should be provided and maintained along the entire easterly lot line, except for any area used for driveway access.

5. The Ministry of Environment has advised that they require the decommissioning of the subject lands in accordance with their "Guidelines for the Decommissioning of Contaminated Sites in Ontario" prior to approval. In this regard, it would be appropriate that these lands be placed under the holding provisions in accordance with Section 35(1) of The Planning Act, R.S.O. These provisions permit Council to use the holding symbol 'H' in the zoning by-law in conjunction with any Zoning District and specify



the use to which the lands, buildings or structures may be put to at such time in the future when the holding symbol is removed by an amendment. The purpose of using the holding symbol in this instance, is to ensure that the Ministry of Environment's requirements with respect to the decommissioning of the site are fully met.

6. The requested "DE-3" (Multiple Dwellings) District is subject to Site Plan Control By-law No. 79-275 as amended by By-law No. 87-223. In this regard, matters such as landscaping, grading, fencing, access, parking, etc. can be reviewed at the site plan stage of development. Given the nature/location of the proposal, it would be appropriate to require site plan approval including a noise study, as a further condition for the removal of the 'H' holding symbol.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9169







The site plan shows a rectangular building layout with a central 'PLAY AREA' and a 'SCREENED PATIO'. The building is divided into two main sections, each with a series of rooms numbered 1 through 16. The left section includes a 'TOTAL PARKING 30 SPACES' area and a 'SCREENED PATIO' area. The right section includes a 'TOTAL PARKING 30 SPACES' area and a 'SCREENED PATIO' area. The building is surrounded by a '5m DAYLIGHT TRIANGLE' and a '5m DAYLIGHT TRIANGLE'. The plan also shows a '3m ALLEYWAY' and a '3m ALLEYWAY'.



**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 MARCH 25**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 March 04.

**B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE**

Durand Markland Heritage Conservation District - Consultants

**C. DIRECTOR OF PROPERTY**

Release of Building Covenants - City Sale to J. Piano, L. Mucci and J. Licatalosi -  
225 Nebo Road

**D. BUILDING COMMISSIONER**

- (a) Demolition of 150 and 152 Catharine Street South
- (b) Demolition of 39 Clifford Street
- (c) Appointment By-law

**E. ACTING DIRECTOR OF PUBLIC WORKS**

- (a) Commercial Improvement Programme - Alleyway Light Fixtures  
- Westdale Village Business Improvement Area
- (b) Commercial Improvement Programme - Alleyway Light Fixtures  
- Barton General Business Improvement Area







**F. COMMISSIONER OF PLANNING AND DEVELOPMENT**

- (a) Review of regulations pertaining to satellite dishes  
- public meeting
- (b) Definition of Outdoor Patio - public meeting
- (c) Site Plan Control Application DA-91-72 to amend approved plans of DA-87-77 for modification to the existing fourplex at 203 Homewood Avenue
- (d) City of Hamilton Response - Environmental Waiver Request for Offfield Storm Sewer







Wednesday, 1992 March 04  
10:00 a.m. O'clock  
Room 233, City Hall

The Planning and Development Committee met.

A.

There were present: Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

Absent: Mayor R. Morrow

Also present: Alderman G. Copps  
Alderman B. Morelli  
V. Abraham, Planning Department  
P. Mallard, Planning Department  
K. Extance, Planning Department  
J. Hickey-Evans, Planning Department  
L. Lanza, Planning Department  
L. King, Building Department  
P. Lampman, Building Department  
R. Karl, Traffic Department  
G. Aston, Regional Engineering Department  
M. Watson, Property Department  
A. Zuidema, Law Department  
T. Agnello, Secretary

1. CONSENT AGENDA

A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting of 1992 February 19 were approved as circulated.

B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

**Alterations to Designated House at 105 Aberdeen Avenue**

As recommended by the Secretary of the Local Architectural Conservation Advisory Committee in a report dated 1992 February 28, the Committee recommended to Council as follows:

That approval be given to the following alterations to the designated facades of 105 Aberdeen Avenue, pursuant to the provisions of the Ontario Heritage Act, 1983;

- (a) Addition of deck and stairway to the east facade, extending from north facade of east rear wing (family room) to front (north) facade; constructed of wood with iron railing;



- (b) Insertion of two sets of French doors opening onto the new deck: one on the east facade (involving the removal of one existing sash window) and one on the north facade of east rear wing (presently a blank wall).

**C. BUILDING COMMISSIONER**

**Demolition of 420 Wilson Street - Tag Number 85837**

As recommended by the Building Commissioner in a report dated 1992 February 24, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 420 Wilson Street.

**D. ACTING DIRECTOR OF PUBLIC WORKS**

**Central Beasley Programme for Renewal, Improvement, Development and Economic Revitalization - Light Fixtures at Lockwood Motors Ltd.**

As recommended by the Acting Director of Public Works in a report dated 1992 February 19, the Committee recommended to Council as follows:

- (a) That, under the Central/Beasley PRIDE Programme, lights be installed on the south side of Lockwood Motors Limited building located at 69 Kelly Street adjacent to Beasley Park, at an estimated cost of \$1,300. to improve lighting levels in the Park; and,
- (b) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
- (c) That the City Solicitor be authorized to register the lighting agreement on title.

**E. COMMISSIONER OF PLANNING AND DEVELOPMENT**

**(a) Residential Enclaves Study**

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 25, the Committee approved the following recommendation:

That authorization be given to hold a public meeting to consider the land use and acquisition options for the residential enclaves (north of the CN railway tracks, from Victoria Avenue North to west of Kenilworth Avenue North).

**(b) City of Hamilton Response - Recommend actions for the Preferred Growth Concept (Growth Strategy Study) for the Town of Flamborough**

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 25, the Committee recommended to Council as follows:

- (i) That the Planning and Development Committee advise City Council that the Town of Flamborough's "Recommended Actions for the Preferred Growth Concept (Growth Strategy



Study)" does not have an effect on the planning intentions of the City of Hamilton; and,

- (ii) That the City Clerk advise the Town of Flamborough of City Council's decision.

(c) **Proposal to remove part-lot control from Lot 5, Registered Plan 62M-653**

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 21, the Committee recommended to Council as follows:

- (a) That the City Solicitor be directed to prepare a by-law to remove part-lot control from Lot 5, Registered Plan 62M-653, located on the south side of Silverton Drive, west of Upper Ottawa Street, in the Templemead Neighbourhood, City of Hamilton, for presentation to Council.
- (b) That the Regional Municipality of Hamilton-Wentworth be requested to approve the by-law once passed by City Council.

(d) **Extension of Draft Approval for "Wisemount Forest Survey" Subdivision**

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 13, the Committee recommended to Council as follows:

That the Region be requested to grant a one-year extension to the draft approval for "Wisemount Forest Survey" Subdivision (Regional File No. 25T-83004).

(e) **Capic - Use of the Wentworth County Court House**

As recommended by the Chairperson of the Central Area Plan Implementation Committee in a report dated 1992 February 26, the Committee recommended to Council as follows:

- (i) That the Region be requested to consider the use of the Wentworth County Courthouse as a Regional Headquarters when the Provincial Courts move to the former Main Street Post Office;
- (ii) That a copy of the CAPIC report dated 1992 February 26 be forwarded to the Region.

**REGULAR AGENDA**

**2. BUILDING COMMISSIONER**

**2.1 Committee of Adjustment Fees - 1992**

The Committee was in receipt of a report from the Building Commissioner dated 1992 February 25.

Len King advised that the new report which is before the Committee had additional background information.



Alderman Charters presented the Committee with an alternative fee schedule keeping ancillary "1 and 2 family" units at a \$250.00 rate and increasing "all other" annually.

Alderman Kiss felt that the 1 and 2 family should remain unchanged.

Alderman Merling advised that revenue expenses will not be recovered, especially in a year when new building and renovations are fewer. He compared the situation to that of development charges and stated that this is not the appropriate time to increase fees. He stressed that some of the businesses are small operations and cannot afford the increased fee.

Alderman Wilson stated that fees have not increased since 1987 and that they are much higher in areas such as Scarborough, Windsor and Etobicoke. 1 and 2 family units should pay less than all other types of uses.

Alderman D'Amico stated that applications to the Committee of Adjustment will even be fewer if the fee increases.

Alderman Drury explained that in other municipalities, fees are consistent for businesses and residents. It does not take more money to process commercial applications than residential applications.

Alderman Eisenberger concurred that cost recovery should not be the main issue.

After discussion, the Committee moved to recommend to Council the recommendation of Alderman Charters as follows:

That By-Law No. 87-350 prescribing fees in relation to administrative costs be appropriately amended to establish a stepped schedule of fees in relation to types of applications made to the Committee of Adjustment as follows:

That By-Law No. 87-350 prescribing fees in relation to administrative costs be appropriately amended to establish a stepped schedule of fees in relation to types of applications made to the Committee of Adjustment as follows:

#### RECOMMENDED FEES

	1991	1992 April 1	1993 Jan. 1	1994 Jan. 1
Variances or Permission ancillary to 1 and 2 family unit uses	\$250.00	\$250.00	\$250.00	\$250.0
Variances or Permission (all other)	\$250.00	\$300.00	\$350.00	\$400.0

\*Alderman D. Wilson, Alderman M. Kiss opposed.

## 2.2 Zoning By-law - Definition "Owner"

As recommended by the Building Commissioner and the City Solicitor in a report dated 1992 February 27, the Committee recommended to Council as follows:



That Zoning By-law 6593 be amended as follows:

Section 2(2)(k)vii

"owner means the person, corporation or other entity registered on title as owner or any person, corporation or other entity having control of the property, including those receiving rents for the property, whether on their own account or as agent or trustee of any other person or entity."

3. **OTHER BUSINESS**

The Committee suspended the rules of order to hear other business items.

3.1 **Demolition Control**

Alderman Merling stated an example of a building which was demolished without a permit and the owner or the contractor cannot be charged because it is necessary to see the contractor actually doing the demolition or the owner must admit he has hired a contractor to do so.

Peter Lampman advised that the Council has petitioned the Provincial Government to amend the Planning Act to provide for changes being laid on the owner of the property.

After brief discussion, the Committee resolved to recommended to Council as follows:

That City Council re-affirm its resolution passed 1987 June 23 authorizing the City Clerk to petition the Ontario Government on behalf of City Council, to amend Section 33 of the Planning Act to ensure that no person shall demolish or cause to be demolished any residential building or part thereof unless he is the holder of a permit issued by Council under this section.

**ZONING APPLICATIONS**

4. **Amended Zoning Application 91-65, St. Lawrence Covenant Inc., owner, for a further modification to the "M-15" District regulations for property at No. 475 Nebo Road; West Hannon Neighbourhood**

The Committee was in receipt of the correspondence from the following people:

- (a) Lorne Hubber, 195 Hempstead Drive, Hamilton, L8W 2E6
- (b) Karen Fraser, CN Rail, Suite 401, 277 Front Street West, Toronto, M5V 2X7
- (c) Fraser Mowat, Trans Canada Pipelines, 111-Fifth Avenue Street West, Calgary, Alberta, T2P 4K5

Larry Litchwood, Solicitor, was present on behalf of St. Lawrence Cement.

Paul Mallard advised that the application is for a site specific amendment applicable to that site.

Alderman Copps was concerned about traffic on Nebo Road.

Arch Norstrum of the St. Lawrence Cement Company was present. He stated that there will be an increase in truck traffic; approximately 50 truck trips per day. 10 to 15 trucks will be operating from the site.

Alderman Wilson suggested that the Transportation Services Committee deal with the traffic concerns.



In response to a quest from Alderman Kiss, Alderman Merling advised that the applicant will apply to the Ministry of Environment for certificate of approval should this application be approved. He suggested that Highway 53 be used as the main arterial road rather than Nebo Road.

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 26, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 91-65, St. Lawrence Cement Inc., owner for a further modification to the existing "M-15" (Prestige Industrial) District regulations to permit either a ready mix concrete plant and contractor's yard/office or an asphalt plant including a contractor's yard/office for property located at 475 Nebo Road, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the "M-15" (Prestige Industrial) District regulations as set out under Section 17G of Zoning No. By-law 6593, applicable to the subject lands, be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 17G(1)(c) of By-law No. 6593, the following Industrial Uses shall be permitted:

- (1) a ready-mix concrete plant or an asphalt mixing plant, but not both uses.

- (ii) That notwithstanding Section 17G(2)(a)(1) of By-law No. 6593, a maximum height of 21.0 m shall be permitted for the ready-mix concrete plant only;

- (iii) That notwithstanding Section 17G(2)(b) of By-law No. 6593, a minimum set back of 10.0 m shall be provided and maintained for every building and structure from the TransCanada Pipeline right-of-way; and,

- (iv) That a chain link fence of not less than 1.8 m and not more than 2.0 m in height shall be provided and maintained along the northerly, easterly and southerly lot lines;

- (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1265, and that the subject lands on Zoning District Map E-59E be notated S-1265;

- (c) That By-law No. 80-223, applicable to the subject lands, be repealed;

- (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-59E for presentation to City Council; and,

- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

5. Zoning Application 91-79, Angelo Saliccioli, prospective owner, for a change in zoning from "L-mr-1" to "DE-3" for property at No. 1067 Rymal Road East; Templemead Neighbourhood

The Committee was in receipt of correspondence from the following people:

- (a) Glen Lethbridge, 38 Everest Street, Hamilton, L8W 2G9  
(b) Carlo Camso, 26 Everest Street, Hamilton, L8W 2G9  
(c) Janice Lattin, Trans Canada Pipelines, 111-Fifth Avenue Street West, Calgary, Alberta, T2P 4K5



Serge Manchia of Planning Initiatives was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1992 February 24, the Committee recommended to Council as follows:

That approval be given to amended Zoning Application 91-79, Angelo Saliccioli, prospective owner, requesting a change in zoning from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District to permit a ten (10) unit stacked townhouse development, for the property located at 1067 Rymal Road East, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the subject lands be rezoned from "L-mr-1" (Planned Development - Multiple Residential) District to "DE-3" (Multiple Dwellings) District;
- (b) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-Law No. 6593 applicable to the subject lands, be modified to include the following variances as special requirements:
  - (i) That notwithstanding Section 10C(3)(iii)(b) of Zoning By-law No. 6593, a rear yard of a depth of at least 6.76m shall be provided and maintained along the northerly lot line;
  - (ii) That notwithstanding Section 10C(5) of By-Law No. 6593, a maximum of ten (10) dwelling units shall be permitted;
- (c) That the amending By-Law be added to Section 19B of Zoning By-Law No. 6593 as Schedule S-1266, and that the subject lands on Zoning District Map E-49D be notated S-1266;
- (d) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D for presentation to City Council;
- (e) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (f) That the approved Templemead Neighbourhood Plan be amended by redesignating the subject lands from "Attached Housing" to "Low Density Apartments".

Mr. Glen Lethbridge of 38 Everest Street, Hamilton, L8W 2G9, who was waiting to speak on item 5, was present.

Leave was granted by the Committee to receive Mr. Lethbridge's comments.

Mr. Lethbridge voiced concerns regarding greenspace, road access, parking and compatibility with existing developments. He also advised that his fence has been damaged. He has no knowledge if the units are to be rented or owned.

The Chairperson advised that the Committee has considered Mr. Lethbridge's correspondence and that there is opportunity for the Planning and Development Committee recommendation to be further discussed on the Council floor.



6. Zoning Application 91-69, Agommen Ltd., prospective owner, for a change in zoning from "J" to "DE-3" for property at No. 165 Barton Street; Industrial Section "A" and Keith Neighbourhood

The Committee was in receipt of correspondence from the following people:

- (a) T. Nakamura, Canadian Engineering and Contracting Company Ltd., 121 Shaw Street, Hamilton, Ontario, L8L 3R6
- (b) Joyce Naylor, 150 Barton Street, Hamilton, L8L 3R6
- (c) Karen Fraser, CN Rail, Suite 401, 277 Front Street West, Toronto, M5V 2X7

Agostino Ammendolia, applicant and prospective owner was present.

Paul Mallard advised that the purpose of the application is to change the zoning from industrial to residential and to allow a 3 storey, 27 unit development. The frontage of the property is 300 feet and the proposed building is 288 feet. He explained that the setbacks on all sides are less than that required in the by-laws. Parking is located along the rear of the development. He stated that this is an overintensification of property which would normally yield 9 units. There is lack of landscaping and open space and the building mass overtakes the property. The Planning Department would like 2 separate buildings with a planning area in the rear. This would allow 20 units. Of 258 notices mounted, 17 have been in favour and 8 opposed.

Agostino Ammendolia submitted a letter from the North Central Community School Association in support of the development. He introduced Fernando Fabiani, Architect of the Project.

Mr. Fabiani explained that the project is geared to single parents with perhaps one child and, as such, the density will not be great. He also advised that the setbacks are consistent with the existing buildings in the surrounding area. He suggested that this project will be similar to a development in Burlington which he designed and which has won awards. He distributed drawings of the Burlington development. In his opinion, this development could be beneficial to the area. Proposed landscaping will be for 30% of the property whereas the by-law only requires 20% coverage. He advised the Committee that the applicant is investigating purchase of an unassumed alley which could provide an additional 10 feet which can be landscaped.

James Hill of 152 Burton Street was present to voice his concerns regarding potential traffic and parking problems which may result from this development. He advised that Burton Street is a truck route and this may prove to be a safety hazard for children.

Dan Thomas of 88 Francis Street was present in support of the application. He welcomed development in the area which would bring in new residents with children.

Mr. Ammendolia suggested that permit parking may alleviate the parking problem. The condominium development will have its own parking area.

Paul Mallard advised that the original plan which was submitted had 27 parking spaces and a play area. The present plan has more parking spaces but no play area. The parking situation has not been resolved.

In response to a question from Alderman Morelli, Mr. Fabiani advised that a 30' x 20' "totlot" will be provided for small children. A park is located on Douglas and Burton Street for the older children to use.

Alderman Copps suggested that a compromise be reached regarding parking spaces and a play area.

Alderman Wilson and Alderman Eisenberger were concerned with lack of parking spaces and a play area.



Mr. Ammendolia explained that 27 units are required to make this project viable.

The Chairperson asked about the possibility of closing Cheever Street and selling to the prospective owner in order that he may have more land to accomodate parking for a play area. He also suggested that the property be placed under site plan control.

Art Zuidema advised that the closures may take six months because a judge is required to close the unassumed alley.

After discussion, the Committee resolved to refer zoning application 91-69 back to staff in order that a compromise can be reached regarding parking density and landscaping more in keeping with the Planning Department report dated 1992 February 27 and that the possibility of the alleyway closure also be investigated and that the Planning Department report back to the subsequent Planning and Development Committee meeting.

**7. Zoning Application 91-82, Domenico Derosa, owner, for a modification to the "D" District regulations for property at No. 547 Wilson Street and 549 Wilson Street; Gibson Neighbourhood**

The Committee was in receipt of correspondence from the following people:

- (a) Clara Andrews, 83 Sanford Avenue North, Hamilton
- (b) George McClay, 1 Madison Avenue, Hamilton, L8L 5Y2

Paul Mallard advised that the application is to permit accessory parking and a further modification to the zoning to expand the kitchen facilities. He explained that 2 previous by-laws have been passed to recognize the bakery use and allow a lunch counter for 12 people. Of the neighbours circulated for comment, 17 have responded in favour and 2 opposed.

Barry Clark of A. J. Clarke and Associates was present on behalf of the applicant. He stated that the key objective of the application is to alleviate parking problems. He questioned the need for a buffer zone since the 5 foot greenspace to be provided will take away from potential parking spaces.

Mr. and Mrs. Andrews of 83 Sanford Avenue North were present. They stated concerns regarding fumes and shading. They requested that their chain fence remain.

In response, Mr. Clark advised that a wooden fence can be erected on the Derosa property which will be the same height as the chain fence.

A discussion ensued among the Committee members as to whether or not significant shading would occur as a result of the addition.

Eva Derosa, daughter of the applicant, explained that the purpose of the addition is to reorganize the operation so that it runs more effectively and efficiently. At present, the conditions are overcrowded. The baking occurs 2 to 3 hours per day prior to 10:30 a.m. The bakery closes every day at 6:00 p.m.

Mr. Andrews raised concerns over exhaust pipes being placed in the addition to which Mr. Lampman advised that there are to be no openings in the proposed wall and he added that the Building Code does not regulate location of exhaust pipes. After discussion, the Committee resolved to refer the application back to Planning staff for further discussions with the Andrews and Derosa parties and that a further report come back to Committee for consideration.



8. NEW BUSINESS

8.1 Round Table discussion on Property tax assessment

Alderman D'Amico advised that he has organized and chaired a meeting regarding property tax assessment and will have a written report distributed to the Committee members.

9. ADJOURNMENT

There being no further business, the Committee meeting adjourned.

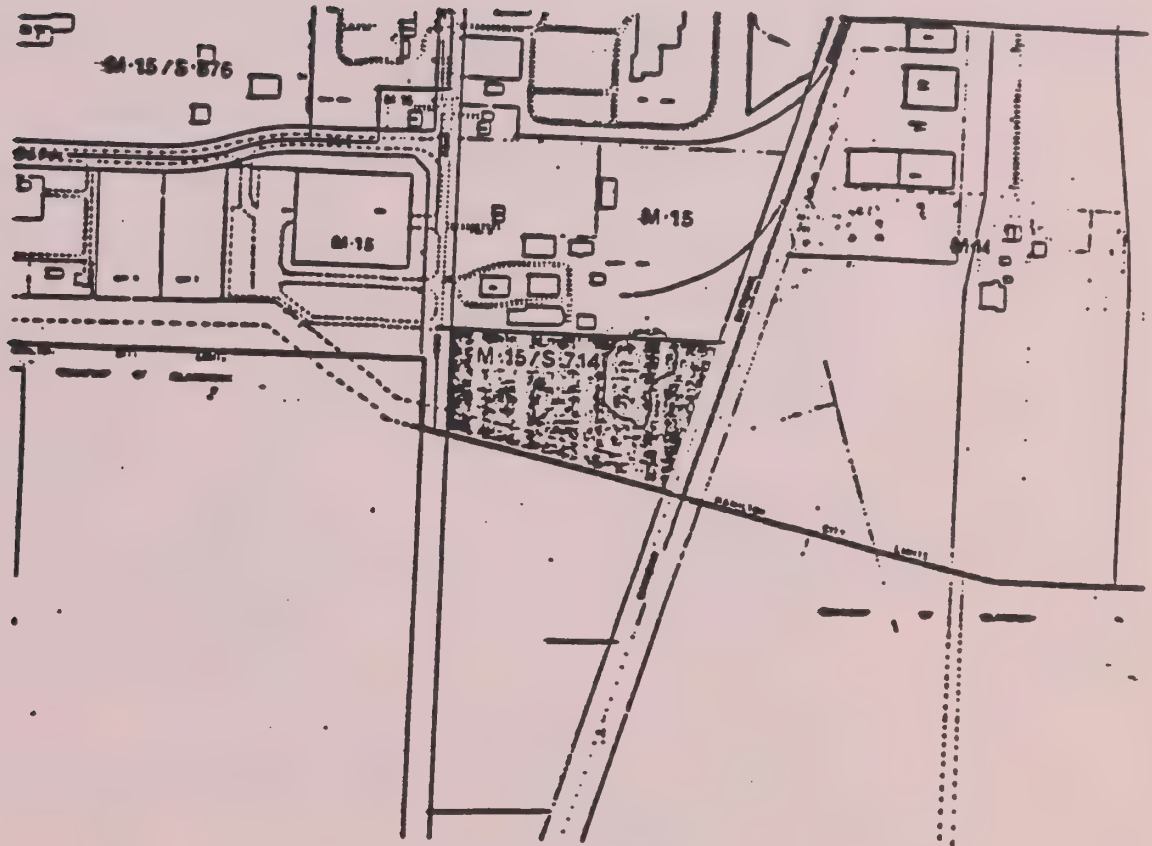
Taken as read and approved,

ALDERMAN DON DRURY,CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE

Tina Agnello  
Secretary  
1992 March 04



Appendix "A" referred to  
in Section 4 of the minutes  
of the meeting of the Planning and  
Development Committee of 1992 March 04



**Legend**

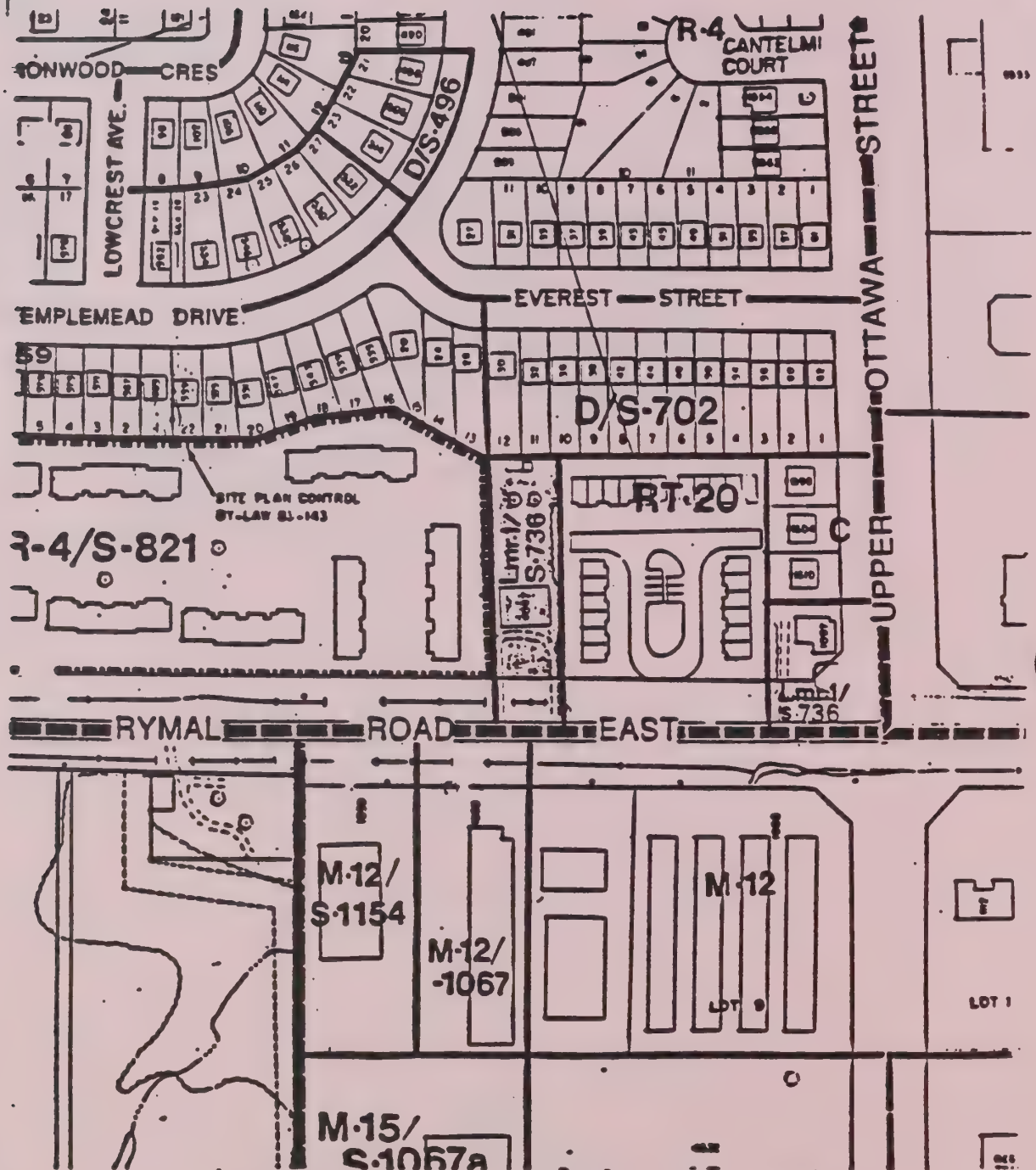


**Site of the Application**





Appendix "B" referred to  
in Section 5 of the minutes  
of the meeting of the Planning and  
Development Committee of 1992 Mar



Legend



Site of the Application





B

MAR 06 1992

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 March 5

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Betty Carter, Secretary  
Local Architectural Conservation  
Advisory Committee

**SUBJECT:** *Durand Markland Heritage Conservation District-Consultants*

#### **RECOMMENDATION:**

That the City of Hamilton employ the consulting firms of Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited to undertake the Background Study and Plan for the Durand Markland Heritage Conservation District.

  
Betty Carter, Secretary  
Local Architectural Conservation  
Advisory Committee

#### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

The funding for the \$24 000. Heritage District Report is provided by a \$12 000. grant from the Ministry of Culture and Communications and a matching amount from the Planning and Development Department Consultant Account.

#### **BACKGROUND:**

1. In response to a petition signed by 26 residents requesting a Heritage Conservation District study of the Durand Markland area (map attached), Council passed a by-law (91-12) to examine the area as a Heritage Conservation District on 1991 January 29.

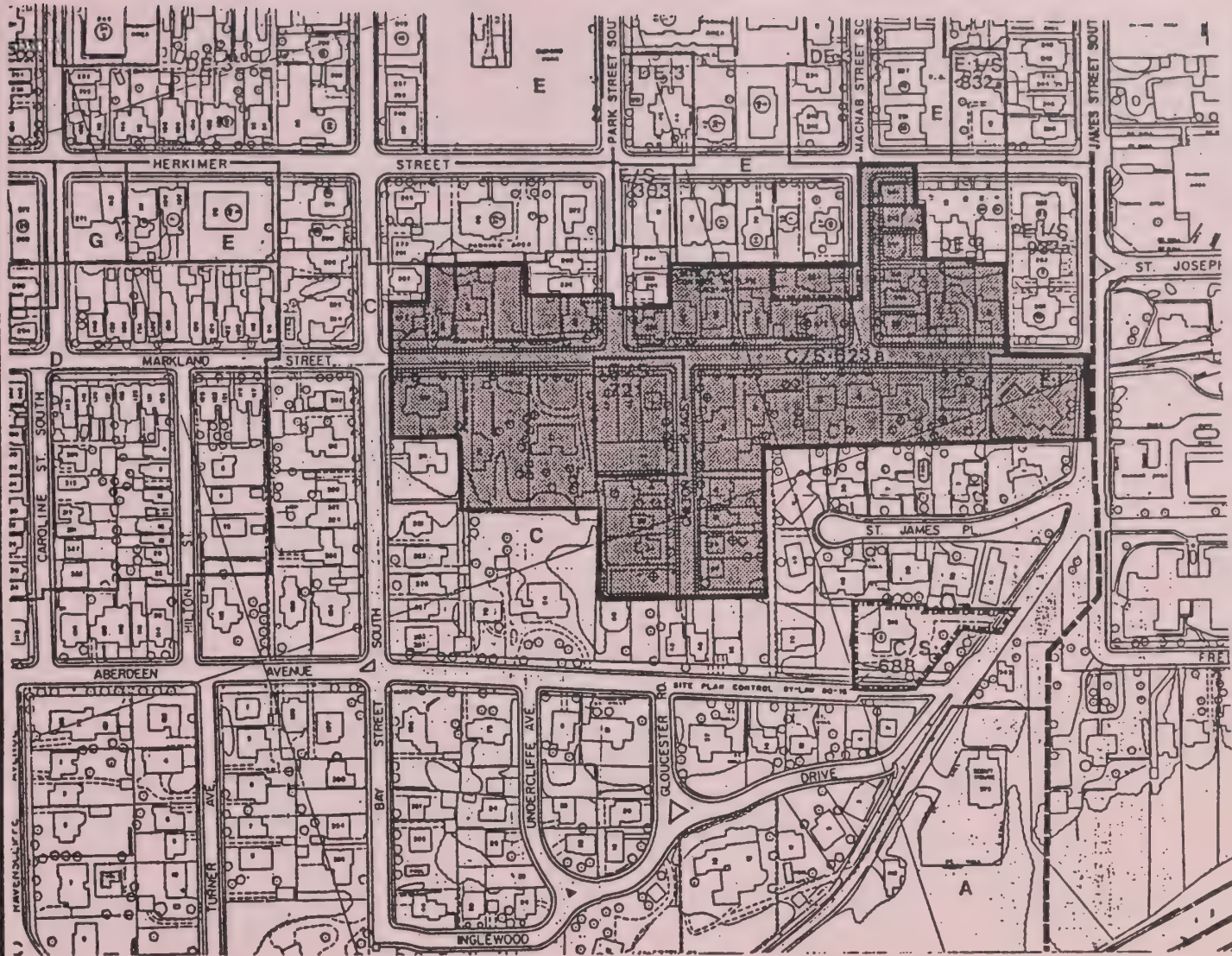


2. In January 1991, the City applied to the Ontario Heritage Foundation for a matching grant of \$12 000. for consultants to undertake the Heritage Conservation District Study and Plan. The grant was awarded to the City in September 1991. The cost to the Planning and Development Department's Consulting Account will be offset by the savings from an unpaid leave of absence.
3. In January 1992, the terms of reference were approved by the Ministry of Culture and Communications, and consultants were asked to submit proposals. On February 21, 1992, three teams were interviewed and the above applicants were selected.
4. The selected team specializes in Heritage Conservation District studies and is in the process or has completed similar studies in seven other Ontario communities. This team submitted the lowest bid.
5. The Heritage Assessment Report is expected to last 4 months; and the District Plan is expected to be completed in the following 5 months. The study is expected to begin once Council approval is given.

Attach.

cc: V. J. Abraham, Director of Local Planning  
N. Chapple, Planning Department





This is Schedule "A" to By-Law No. 9 - .....  
Passed the ..... day of ....., 199. .

.....  
Clerk

.....  
Mayor

City of Hamilton  
**Schedule A**  
Map Forming Part of  
By-Law No. 9 - .....

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

**Legend**



..AREA TO BE EXAMINED AS A  
HERITAGE CONSERVATION DISTRICT

North



Scale  
NOT TO SCALE

Date  
DECEMBER, 1990

Reference File No.  
HCD-Durand

Drawn By  
T.A.







MAR 10 1992

C.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 10


**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** D. W. Vyce  
Director of Property

**SUBJECT:** Release of Building Covenants  
City Sale to J. Piano, L. Mucci and J. Licatalosi  
Lot 40, Plan M-227 (225 Nebo Road)  
Hamilton Mountain Industrial Park No. 1  
Construction Covenants Registered as  
Instrument Numbers 221167 L.T. and 21168 L.T.

**RECOMMENDATION:**

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 225 Nebo Road, Hamilton from the construction covenants to the City as contained in Instrument Numbers 221167 L.T. and 221168 L. T. registered on April 6, 1988.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

In adopting Item 16 of the 23rd Report of the Planning and Development Committee, City Council, on November 24, 1987 approved the sale of Lot 40, Plan M-227, Hamilton Mountain Industrial Park No. 1 to John Piano, Lupo Mucci and Joseph Licatalosi.



10 March 1992  
Planning and Development Committee  
Page 2

This transaction was completed on March 28, 1988 and registered on April 6, 1988.

The requirements as noted in the construction covenants under Instrument Numbers 221167 L. T. and 221168 L.T. have been met with the completion of the required building.

This department supports the request of the owners that the City of Hamilton release the construction covenants contained in Instrument Numbers 221167 L.T. and 221168 L.T. in order to clear the title.

c.c. P. Noé Johnson, City Solicitor  
Attention: D. Powers

(2738)



**CITY OF HAMILTON**

D. (a)

**- RECOMMENDATION -**

**DATE:** 1992 February 17

**REPORT TO:** Miss Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
150 and 152 CATHARINE STREET SOUTH  
- Tag Numbers 78911 and 78912

**RECOMMENDATION:**

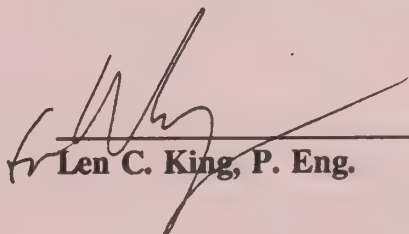
That the Recommendation approved by City Council on Tuesday May 29, 1990 that stated as follows:

"The demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtain a building permit":

- a) 150 Catharine Street South
- b) 152 Catharine Street South

be revoked, and that the Building Commissioner be authorized to issue a demolition permit for 150 Catharine Street South and 152 Catharine Street South.

Subject to a rezoning for a temporary parking lot.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

Continued on Page Two .....



**BACKGROUND:**

The subject lands are located at 150 - 158 Catharine Street South. The present use of the lands is used for the temporary parking of cars at 156 - 158 Catharine Street South and two vacant dwellings located at 150 and 152 Catharine Street South.

These lands are intended for a future multiple dwelling/condominium development.

A letter was received by this Department dated February 4, 1992 from the owner's Solicitor, Roman Bartkiw. In this letter, the owner, Buckingham York Ltd., is asking that we review the decision of May 29, 1990 by City Council and give favourable consideration to the proposal to demolish the two subject dwellings.

The owner has stated the homes are vacant and have been almost destroyed except for the outer shells. The owner has engaged an Architect to complete preliminary plans for an apartment building and shortly an application will be made for variances that will be required. The owner stated that it is not anticipated that this building will be built in the next three (3) years as the market conditions do not warrant condominium/apartment development at this time, so temporary parking is proposed for the lands until such time as the market and economy make it feasible.

Applications for demolition permits for the two above noted properties were made on April 20, 1990. The Building Commissioner recommended that demolition for the two subject properties be tabled as they were of interest to L.A.C.A.C. at the Planning and Development Committee meeting held May 2, 1990. At this meeting, the Committee agree to refer this matter to L.A.C.A.C. with the provision that this matter be dealt with and be placed back on the Planning and Development Committee's Agenda at it next meeting to be held May 23, 1990.

The Planning and Development Committee at its meeting held May 23, 1990 recommended "that demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtains a building permit":

- a) 150 Catharine Street South
- b) 152 Catharine Street South

City Council approved the aforementioned recommendation at its meeting May 29, 1990. On August 28, 1990 City Council denied Zoning Application ZA-90-47 by the owner, Buckingham York Ltd., requesting a modification to the E-3 District, to permit the use of the subject lands for a temporary parking lot not be exceed three years, for the properties located at 150 - 158 Catharine Street South.



Approval was given to an amended Zoning Application ZA-90-47 to permit the use of the subject lands for a temporary parking lot not to exceed three years for the properties located at 156 - 158 Catharine Street South. City Council agreed with the recommendation that a portion of the subject lands (150 - 152 Catharine Street South) is occupied by two "listed" heritage buildings.

In this regard, City Council previously denied the applicant's request for a demolition permit and placed the lands under Demolition Control.

Approval of the application would undermine the intent of City Council's application of the Demolition Control provisions of The Planning Act.

**CONCLUSIONS:**

The subject properties in question have been subject to numerous complaints which included Property Standards for weeds, and waste in the yards. The properties have also been subject to complaints for being open to trespass which involved an Order from the Fire Marshall. Approval of the demolition of the two properties would still require a Zoning Application to allow temporary parking which has been allowed for 156 - 158 Catharine Street South through Zoning Application ZA-90-47 as mentioned previously.

c.c. 92.2.4.2.1.A







**CITY OF HAMILTON**

D. (b)  
MAR 17 1992

**- RECOMMENDATION -**

**DATE:** 1992 March 16

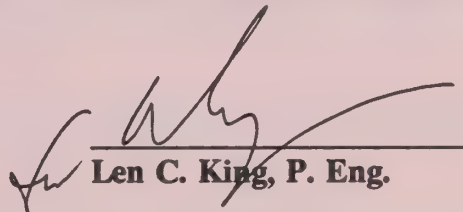
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
**39 CLIFFORD STREET** - Tag Number 85938

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for **39 CLIFFORD STREET**.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C/S-720" (Urban Protected Residential etc.) Modified

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION** One and a half (1½) storey wood frame dwelling with insul brick siding in poor condition

It is the intention of the owner to demolish the existing single family dwelling and erect a new single family dwelling - Lot Size 35.00' x 130.00'

The owner of the property as per the demolition permit application is:

Don Buckland  
140 Ward Avenue  
Hamilton, Ontario L8S 2G2  
Telephone Number: 522-6712

c.c. 92.2.4.2.1.A







D. (c)  
FEB 27 1992

CITY OF HAMILTON

- RECOMMENDATION -

**DATE:** 1992 February 24

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** APPOINTMENT BY-LAW

**RECOMMENDATION:**

- a) That By-Law 91-047 be amended as follows:
  - i) That Section 2(b) be amended by adding the words "and Director of Technical Services".
  - ii) That Section 4(b) be amended by deleting the words "Manager of Inspections" and replacing it with the words "Manager of Field Services".
  - iii) That Section 5(b) be amended by deleting the words "Manager of Plan Examination" and replacing it with the words "Manager of Customer Services".
  - iv) That Section 6(a) be amended by adding the names the names of Donald J. Inglis and John Spolnik
  - v) That Section 6(b) be amended by deleting the words "Supervisor of Building Standards" and replacing it with the words "Supervisor of Field Services".
  - v) That Section 7(a) be amended by deleting the names "Donald J. Inglis and John Spolnik and replacing it with the name Linda Paterson".
  - vi) That Section 7(b) be amended by deleting the words "Supervisor of Inspection Services", and replacing it with the words "Supervisor of Customer Services".

cont'd...



vii) That Section 8(a) be amended by deleting the name "Thomas Redmond, P. Eng."

viii) That Section 9 be amended by deleting the following names:

Italo J. Dominic  
Robert H. Bradshaw  
George A. Korz  
Johnny Walker  
David Gibson

ix) That Section 9 be further amended by adding the following names:

Frank Peter  
Nancy Rahjer  
Christine Hey  
Monica Melnick  
Ricard Kuipers  
Debbie Eydt  
George Caetano  
George Robis

x) That Section 11(a) be added to read as follows:

"The following person is appointed an Inspector:

"Thomas Redmond, P. Eng."

xi) That Section 11(b) be added to read as follows:

"The title of the Inspector appointed under clause (a) shall be as follows:

"Chief Building Engineer"



L. C. King, P. Eng.  
Building Commissioner

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A**

**BACKGROUND:**

Due to retirements of the above persons and changes in position titles, By-Law 91-047 needs to be amended to accommodate these changes.



E. (a)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

MAR 13 1992

**DATE:** 1992 March 10

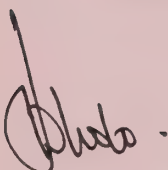
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Acting Director of Public Works

**SUBJECT:** Commercial Improvement Programme - Alleyway Light  
Fixtures - Westdale Village Business Improvement Area

**RECOMMENDATION:**

- a) That, under the Commercial Improvement Programme, luminaires be affixed to building faces abutting alleyways within the Westdale Village B.I.A., to increase security of the alleyways at an estimated cost of \$16,000.; and,
- b) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
- c) That the City Solicitor be authorized to register the lighting agreements on title.



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**Mr. D. Lobo**  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Sufficient monies are within the Commercial Improvement Programme, Account Number CF 5698 428705003.



**BACKGROUND:**

Westdale Village B.I.A. have requested alleyway lighting within the B.I.A. boundaries under the Commercial Improvement Programme. Because of the restricted space, luminaires will be attached to the adjacent building faces rather than being pole mounted. The B.I.A. has approached owners of the properties affected and have been met with a favourable response. This will require a legal agreement between the City of Hamilton and each property owner.

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E. (b)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

2000 1 1 1992

**DATE:** 1992 March 6

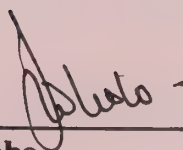
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Acting Director of Public Works

**SUBJECT:** Commercial Improvement Programme - Alleyway Light  
Fixtures - Barton General Business Improvement Area

**RECOMMENDATION:**

- a) That, under the Commercial Improvement Programme, luminaires be affixed to building faces abutting alleyways within the Barton General B.I.A., to increase security of the alleyways; and,
- b) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
- c) That the City Solicitor be authorized to register the lighting agreements on title.

  
\_\_\_\_\_  
**Mr. D. Lobo**  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Sufficient monies are within the Commercial Improvement Programme, Account Number CF 5698 428705008.



**BACKGROUND:**

City Council at its meeting held 1991 May 28, approved Barton General B.I.A.'s request for alleyway lighting within the B.I.A. boundaries. Because of the restricted space, luminaires will be attached to the adjacent building faces rather than being pole mounted. The B.I.A. has approached owners of the properties affected and have been met with a favourable response. This will require a legal agreement between the City of Hamilton and each property owner.

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F.(a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 12  
CI-89-A

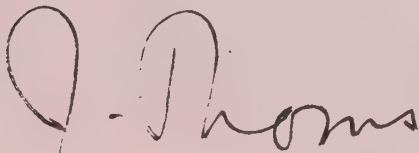
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Review of regulations pertaining to satellite dishes.

**RECOMMENDATION:**

That the Planning and Development Committee give authorization to hold a public meeting to consider the proposed changes to Zoning By-law No. 6593 respecting the location of satellite dishes.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**J.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

This review of the regulations pertaining to the location of satellite dishes is being undertaken at the request of the Planning and Development Committee. Specifically, a review was to be undertaken of the regulations pertaining to the location of satellite dishes in residential areas. However, satellite dishes located in non-residential zoning districts located adjacent to



residentially zoned land could have a negative spillover effect. Examples of this type of problem are the "H" (Community Shopping and Commercial, etc.) District and the "HH" (Restricted Community Shopping and Commercial) District which typically adjoin single-family homes along the rear zoning district line. Other situations arise in the older areas of the City where single-family homes adjoin industrially zoned land (such as "J" and "K" zoned land). Therefore, this review of satellite dish locations pertains to both residential and non-residential zoning districts.

### **PROBLEM:**

The attached photographs indicate the problems that can arise when a satellite dish is placed on the roof of the principal building (Pictures 1 and 2). The dishes shown in these two pictures are large structures, intrude into the neighbourhood, and alter the character of the neighbourhood. Picture 2 particularly shows how the dish can alter the visual aesthetic of the streetscape.

Satellite dishes attached to other parts of the principal and accessory buildings are shown in Pictures 3, 4, and 5. Picture 3 is of a satellite dish attached to the front of the building. It is intrusive in the neighbourhood and negatively affects the neighbourhood character. This dish is attached to a house located in an area of the City of Hamilton which is typified by smaller lot widths (in the range of twenty to twenty-five feet in width). The close proximity of the houses makes the dish particularly intrusive in the streetscape and the neighbourhood. Picture 4 is a satellite dish attached to the side of the principal building. Again, the size of the dish intrudes into the neighbourhood and negatively alters the streetscape. Picture 5 is of a satellite dish attached to an accessory building which, in this case, is a garage. It negatively affects the neighbouring property to the east as this dish is located in the side yard which directly abuts the easterly neighbour's rear yard. Picture 6 is of a house that is used commercially in the downtown area (although located in a residential area). With two satellite dishes on the roof and one in the rear yard, a negative impact is created.

Lastly, Picture 7 shows a house with a satellite dish in the rear yard. The dish cannot be seen from the street because its height is less than that of the principal building and it is adequately set back from the neighbouring properties. *This is an example of a satellite dish that is well integrated with its surroundings.*

The problems with satellite dishes are that, depending on their location, they can be visually obtrusive, be an incompatible land use, and create a negative impact on the adjoining lands. The above noted photographs clearly demonstrate the problems which can arise.

It should be noted that the literature reviewed has not indicated that noise from satellite dishes is an issue.

### **BACKGROUND ON SATELLITE DISHES:**

Municipalities can adopt regulations governing the location of satellite dishes. However, communications and transmission from satellites are federally regulated and municipal regulations cannot interfere with the federal regulations.



A satellite dish is a parabolic structure typically ranging in diameter from six to twelve feet; however, some dishes can be as small as 1.5 feet in diameter. It can either be mounted on a building or on a pole. It is intended to receive signals from a broadcasting satellite and transmit the signal to a television hooked up to the satellite dish by a cable.

Of planning relevance is the location of the dish. The transmitting satellites are located in the southern sky (southeast to southwest) so the dish must be positioned on the property so that it faces the southern sky with an unobstructed path to the satellite. Those properties with a rear yard facing the southerly sky have the optimal location for a satellite dish. Properties with rear yards facing north are at a disadvantage in that they must either place the satellite dish in the front yard, on the roof, or in the rear yard at a sufficient height to provide an unobstructed path to the transmitting satellite.

### ***CITY OF HAMILTON POLICY AND REGULATIONS:***

#### **i) Official Plan**

The following policies contained in the Official Plan should be noted:

"C.7 It is the general intent of this Plan to promote a high standard of RESIDENTIAL and urban amenity ... .

C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

viii) Other similar actions or matters as Council may deem appropriate."

The Official Plan provides specific direction regarding residential amenity. In this regard, remedial actions to preserve the integrity of the neighbourhood, to maintain the streetscape, and to reduce or eliminate any negative impacts within a neighbourhood and on residentially developed land can be implemented.

#### **ii) Zoning Regulations**

Under the City's Zoning By-law, there are two sets of regulations pertaining to satellite dishes, depending on whether or not the dish is attached to the principal building.

- **Satellite Dishes attached to the Principal Building**

The Building Department has advised that a satellite dish attached to a principal building (i.e. on the roof of a house) is considered to be a use not restricted under Section 3(4) of Zoning By-law No. 6593. In this regard, Section 3(4) states:



- "3.(4) The provisions of this By-law shall not apply to limit the height of any silo, windmill or other farm building or structure, or of any belfry or church spire, or of any ornamental dome, cupola, or clock tower, or communications transmitting and receiving antennae, tower or mast."

Further, under this same Section of By-law No. 6593, the height of a satellite dish attached to the principal building is unrestricted. A satellite dish attached to the principal building could be located quite close to any adjoining property and, in those zoning districts where no side or rear yards are required (for example, the "G-2" District), the dish could be attached to the side of the building that is located on the lot line.

- Satellite Dishes not attached to the Principal Building

In this instance, the Building Department has advised that a satellite dish would be treated as an accessory structure to the principal building per Section 3.(3)(xxix) of Zoning By-law No. 6593. In this regard, Section 3.(3)(xxix) states:

- "3.(3) Save with respect to requirements for yards and parking facilities, and save as hereinafter otherwise specifically provided or limited, the provisions of this By-law shall not apply to:

- (xxix) Any accessory building, structure or use not contrary to law, save as otherwise provided or limited by this By-law."

The satellite dish, in this case, would have to be located in the rear yard only and is not permitted to encroach in any required side yards. In the case of a corner lot, the satellite dish would have to be setback from the street line the minimum distance of the required front yard of any adjoining lot. The height of a satellite dish would be restricted to a maximum of 4.5 m (14.76 feet).

The setback from the rear lot line is established in Section 18(4)(iv) of the Zoning By-law and is a minimum of 0.45 m (1.5 feet).

iii) A-86:161 - 24 Pinewarbler Court

This application was submitted to the Committee of Adjustment to continue to maintain a satellite dish in the front yard. The Committee of Adjustment denied the application for the following reasons:

"The Committee is of the opinion that the relief requested with respect to the satellite dish is beyond that of a minor nature with a substantial undesirable impact on the neighbourhood streetscape."



The applicant subsequently appealed the decision to the Ontario Municipal Board. The Board denied the appeal for the following reasons:

"Firstly, the Official Plan in subsection C.7 discloses the City's desire to maintain and promote a high standard of amenity in residential districts. Subsection C.7.1 indicates that such is to be provided by striving for compatibility within such districts. If anything, the receiving dish achieves the opposite and to permit such incompatible use to remain would not be in keeping with the intent and purpose of the Official Plan.

Secondly, the satellite dish, based upon both the comments of the neighbours and the City's planner and also upon the pictorial evidence presented to the Board, represents a visual intrusion upon the uniform character of the streetscape and as such is an inappropriate use of the land.

Thirdly, given its overall negative impact and its location in the front yard, contrary to what is contemplated by Section 18(4)(iv) of By-law 6593, the Board finds that it offends the general intent and purpose of the by-law."

#### ***INFORMATION OBTAINED FROM OTHER MUNICIPALITIES:***

Ten municipalities in southern Ontario were contacted to obtain information regarding their treatment of satellite dishes (see Table I). Of these ten, four municipalities have specific regulations pertaining to satellite dishes, for which the following is a summary of the applicable regulations.

##### **i) Location**

All four municipalities permit satellite dishes in the rear yard only. This prohibits satellite dishes from being located on the roof of the principal building, attached to the principal building, or attached to any accessory structure.

Within the rear yard, each municipality has set regulations for minimum setbacks from the property lines (rear lot line and side lot lines). Both North York and the City of York require the satellite dish to be set back from both the side and rear lot lines by the diameter of the dish. The Town of Vaughan requires setbacks from both the side and rear lot lines by 1.5 m or the minimum of the required setback (either side or rear yard) for the principal building, whichever is greater. The Town of Markham requires minimum setbacks of 1.8 m (6 feet) from both the side and rear lot lines.



ii) Height

Two municipalities set the maximum height of a satellite dish at 4.5 m (14.8 feet). The remaining two set maximum heights of 6.0 m (19.7 feet) and 16.6 m (54.5 feet).

iii) Number of Dishes per Lot

Three of the municipalities do not restrict the number of satellite dishes on a lot. The remaining municipality, the City of York, restricts satellite dishes to one per lot.

The remaining municipalities (six) treat satellite dishes as an accessory structure, which is similar to the manner in which the City of Hamilton currently regulates satellite dishes. The following is a summary of the same issues as discussed above for those municipalities treating satellite dishes as accessory structures.

i) Location

Three of the six municipalities regulate the location of accessory structures by permitting satellite dishes in the rear yard or the interior side yard only. Two municipalities do not permit accessory structures in front of the principal building and the remaining municipality regulates the location of the accessory structure through the district setback requirements.

Within the permitted location for the accessory structure, these municipalities also have minimum side and rear yard setback requirements. The side yard requirements range from 0.9 m (3 feet) to 2.4 m (8 feet). The rear yard setbacks range from 0.5 m (1.6 feet) to 1.8 m (6 feet).

ii) Height

The maximum permitted height for an accessory structures varies across these six municipalities. Three municipalities have regulations specifying a maximum height of 4.5 m (14.8 feet) while the remaining three municipalities set the maximum height of the accessory structure at 4.0 m (13.1 feet), 3.7 m (12.1 feet) and 2.5 m (8.2 feet).

iii) Number of Dishes Per Lot

None of the municipalities restrict the number of accessory structures permitted on a lot.



**COMMENTS:**

1. The following is a list of potential options regarding the regulation of satellite dishes:

- Option 1 - Maintain the Status Quo

This option would see satellite dishes continue to be treated as accessory structures when not attached to the principal building. When a satellite dish is attached to the principal building, its height and location would be unrestricted.

- Option 2 - Restrict the Location of Satellite Dishes

Given the differential treatment of satellite dishes (depending on whether they are attached to the principal building or not), it is apparent that there is a range of options for locating the dish, with some locations being more intrusive and having greater impact on adjoining properties. In particular, satellite dishes attached to the principal building (for example, attached to the roof or the front of a building) have the potential for serious impacts within the neighbourhood and on the streetscape. It is apparent from the attached pictures that the rooftop location is unsightly and alters the streetscape of the neighbourhood. An amendment to By-law No. 6593 to restrict the location of the satellite dish to the rear yard only and prohibit dishes from being attached to the principal building and any accessory building or structure would address this concern.

Should a landowner have particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment. In this regard, those affected by the proposed location of the dish, the surrounding neighbours, would have input into the process and the decision.

- Option 3 - Increase Setbacks for the Side and Rear Yards

Section 18 of the Zoning By-law requires a minimum setback of 0.45 m (1.5 feet) from both the side and rear lot lines for every accessory structure (of which a satellite dish is currently classified). However a large dish setback by 1.5 feet may negatively affect the adjoining landowner (in terms of visual intrusiveness). Some of the zoning districts (such as the "H" District) have minimal side yard requirements and a satellite dish located in this area would negatively affect the adjoining landowner.

A solution could be to require that the satellite dish be setback from every side and rear lot line by the diameter of the dish. A larger dish will require a larger setback thereby providing further protection for the adjoining landowner. Should the location of the dish be restricted to the rear yard, per Option 2, then no dish would be permitted to encroach in any required side yard. In this regard, a dish that is smaller in diameter than the required side yard would be located no closer to the side lot line than the required side yard for the district.



Again, should a landowner have a particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment.

- Option 4 - Restrict the Height of Satellite Dishes

Even if a satellite dish is located in the rear yard, the height of it, if it exceeds the top of the roof, could be unsightly to neighbours. Other municipalities with regulations specific to satellite dishes restrict the height to varying figures. Two municipalities use the same maximum height as established for accessory structures in the City of Hamilton's Zoning By-law. Two others have somewhat higher figures yet no information could be obtained as to how these figures were determined.

A local satellite dish firm was contacted to obtain information regarding the minimum height at which a dish can be installed. The firm's staff indicated that the height of the dish is dependent upon the surroundings and, in particular, if there are obstructions in the area such as trees or fences, the dish will have to be at a sufficient height to clear the obstruction to the transmitting satellite. However, the staff member did also indicate that most dishes are placed on five foot poles which is then attached to the centre of the dish. The height of the dish, then, would be ten feet.

Zoning By-law No. 6593 restricts the height of accessory structures to 4.5 m (14.76 feet). Two of the municipalities surveyed also restrict satellite dishes to this height. Restricting satellite dishes to a height of 4.5 m would be beneficial in two respects. First, no dish will be higher than any accessory building thus integrating the dish with its surroundings. Second, the height of 4.5 m is approximately five feet greater than the minimum height of ten feet required for a dish. In this regard, the additional five feet will provide an allowance for those persons who need the dish to be located somewhat higher because of the surrounding circumstances.

Again, should a landowner have a particular difficulty in meeting this requirement, relief could be sought from the Planning and Development Committee or the Committee of Adjustment.

- Option 5 - Number of Dishes per Lot

More than one satellite dish on a lot would increase the spillover effects on the neighbourhood. Therefore it may be appropriate to limit the number of dishes per lot to one. Any landowner wishing to place more than one dish on a lot would have to seek relief from the Committee of Adjustment or seek a zoning modification through the Planning and Development Committee. In this regard, those directly affected, the neighbours, would have input into the Committee's decision.



• Option 6 - Permit Satellite Dishes on the Roof of the Principle Building - Commercial and Industrial Districts and Multiple Dwellings

There are numerous examples of low-density residential development adjoining commercially zoned land, industrially zoned land, and multiple dwellings in the City of Hamilton. Examples are the "H" (Community Shopping and Commercial, etc.) District in the lower city; industrial land in neighbourhoods such as Landsdale, Normanhurst, Greeningdon, Parkview East and West; and multiple family dwellings in Durand Neighbourhood and many upper City neighbourhoods. The typical form of development is fronting on a major arterial road and adjoining single-family residential at the rear. A satellite dish, if required to be located in the rear yard only, could be an intrusion into the single-family residential neighbourhood.

A solution to this issue would be to permit satellite dishes to be located on the roof of any land zoned for commercial or industrial use. The advantage to this regulation is that the commercial and industrial buildings are set back from the residential land and are usually built at a height greater than the adjoining single-family homes. The satellite dish, if located on the roof of the principal building, will be setback at a greater distance than would be otherwise established if the dish was located in the rear yard. In addition, the dish would be at a height that would be, effectively, out of the view of the neighbours.

The above discussion also applies to multiple dwellings. Given the height of most multiple dwellings (three storeys or over), it would be appropriate that roof top dishes be allowed in multiple dwellings as well.

From the above discussion, it would be appropriate to introduce regulations to implement options 2, 3, 4, 5, and 6. This would result in the following amendments to the Zoning By-law:

- i) That Section 2.(2)H of Zoning By-law No. 6593 be amended by adding the following definition of a satellite dish:

(vica) "Satellite dish" shall be defined as a concave directional antennae having a diameter of one metre or more which is used or intended to be used to send or receive signals to or from satellites.

- ii) That Section 18 of Zoning By-law No. 6593 be amended by adding a new subsection to the following effect:

"Special Requirements for Satellite Dishes"

- (13) Notwithstanding any other provision of this By-law, the following provisions shall apply to every satellite dish:



- (1) Except as provided in paragraph (2), only one satellite dish shall be permitted on every lot in a residential district, and shall comply to the following:
  - a) located only in a rear yard;
  - b) set back a distance of not less than the diameter of the dish from every side and rear lot line;
  - c) a height not exceeding 4.5 m. including the support structure;
- (2) Satellite dishes shall be permitted and only located on the roof of a multiple dwelling or the roof of the principal building in a non-Residential District and Section 2.(2)J.(ix) shall not apply to every such satellite dish.

The proposed regulations conform to the intent of the Official Plan.

2. Upon the finalization of the implementing By-law, the location of any legally existing satellite dish which does not comply with the new regulations will become legal non-conforming.

**CONCLUSION:**

Based on the foregoing, a public meeting should be held to solicit input on the proposed new regulations respecting the location of satellite dishes.

MLT/ma  
WPCI89A-2



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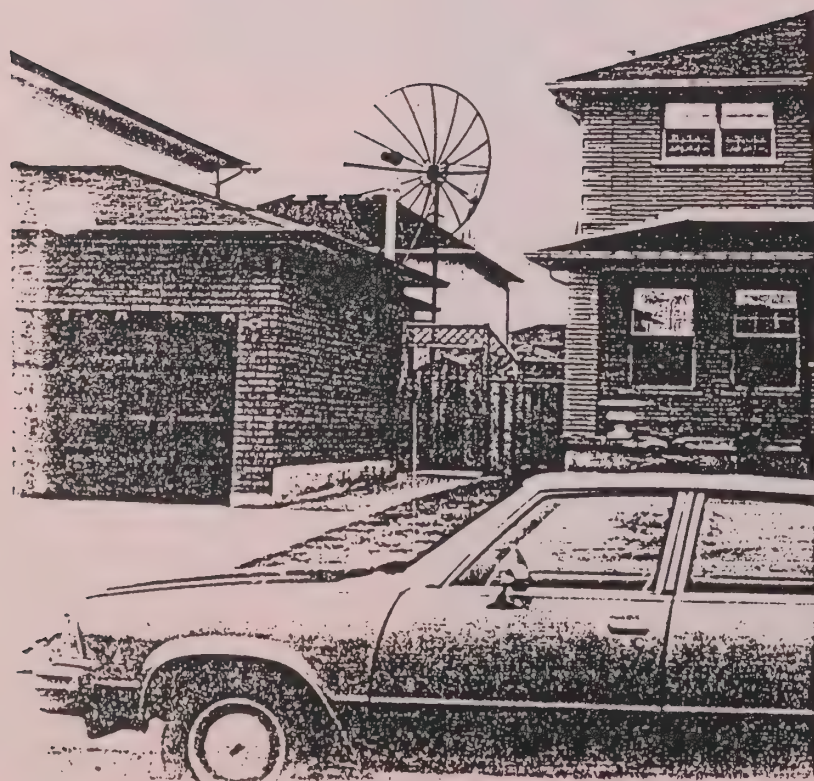




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**Table I - Regulations from Other Municipalities**

<b>Municipality</b>	<b>Specific Regulations</b>	<b>Location of Dish</b>	<b>Side Yard</b>	<b>Rear Yard Setback</b>	<b>Maximum Height</b>	<b>Number of Dishes/Lot</b>
North York	Yes	Rear Yard Only	Diameter of Dish	Diameter of Dish	16.6 m (54.5')	Unrestricted
York	Yes	Rear Yard Only	Diameter of Dish	Diameter of Dish	6.0 m (19.7')	One
Vaughan	Yes	Rear Yard Only	Greater of: 1.5m or minimum required for main building	Greater of: 1.5m or minimum required for main building	4.5 m (14.8')	Unrestricted
Markham	Yes	Rear Yard Only	1.8 m (5.9')	1.8 m (5.9')	4.5 m (14.8')	Unrestricted
Eiobicoke	No	Not permitted in front of main building	0.9 - 1.2 m (3 - 4')	0.6 m (2')	2.5 m (8.2')	Unrestricted
East York	No	Not permitted in front of main building	0.9 - 1.2 m (3 - 4')	0.5 m (1.5')	3.7 m (12.1')	Unrestricted



**Table I - Regulations from Other Municipalities**

<b>Municipality</b>	<b>Specific Regulations</b>	<b>Location of Dish</b>	<b>Side Yard</b>	<b>Rear Yard Setback</b>	<b>Maximum Height</b>	<b>Number of Dishes/Lot</b>
Mississauga	No	Subject only to district setback requirements	0.6 - 2.4 m (2 - 8')	0.6 m (2')	4.5 m (14.8')	Unrestricted
Brantford	Yes	Rear Yard or Interior Side Yard	1.5 m (5')	1.5 m (5')	4.5 m (14.8')	Unrestricted
Cambridge	No	Rear Yard or Interior Side Yard	1.2 m (4')	0.5 m (1.6')	4.5 m (14.8')	Unrestricted
London	No	Rear Yard or Interior Side Yard	1.2 m (4')	1.0 m (3.3')	4.0 m (13.1')	Unrestricted



F. (b)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 18  
CI-85-F

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Definition of "Outdoor Patio".

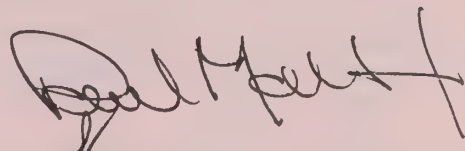
**RECOMMENDATION:**

That the Planning and Development Committee give authorization to hold a Public Meeting at its regularly scheduled meeting of April 22, 1992, to consider a general amendment to Zoning By-law No. 6593 to provide for the following revised definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

- By-law No. 86-223

By-law No. 86-223 was passed by City Council on July 22, 1986. The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by introducing special requirements for the regulation of "Outdoor Patios".



Generally, the effect of the By-law is to permit "Outdoor Patios" in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) Districts;
- "G-1" (Designed Shopping Centre) Districts;
- "G-2" (Regional Shopping Centres) Districts;
- "G-4" (Designed Neighbourhood Shopping Area) Districts;
- "H" (Community Shopping and Commercial, etc.) Districts;
- "HH" (Restricted Community Shopping and Commercial) Districts;
- "I" (Central Business District, etc.) District;
- "HI" (Civic Centre Protected) Districts;
- "J" (Light and Limited Heavy Industry, etc.) Districts;
- "K" (Heavy Industry, etc.) Districts; and,
- "M-11" (Prestige Industrial) Districts.

The By-law also introduced the following definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with a restaurant or tavern where seating accommodation is provided, and meals or refreshments are served to the public for consumption on the premises, and for which a Patio licence under The Liquor Licence Act has been issued.

Lastly, the By-law introduced special requirements respecting capacity, location, lighting facilities, parking and entertainment.

#### ***PROBLEM:***

On September 15, 1990, a new Liquor Licence Act came into effect. Under the regulations the various classes of licences (e.g. Entertainment Lounge Licence, Dining Room Licence, Patio Licence, etc.) were deleted and effectively replaced with one class of licence, "A Liquor Sales Licence".



The Building Department has advised that since the definition of "'Outdoor Patio" means an outdoor area...which has been issued a Patio Licence under The Liquor Licence Act", the special by-law regulations respecting "Outdoor Patios" are not enforceable because the L.L.B.O. no longer issues patio licences under the new Act.

**COMMENT:**

It is the consensus of the Building Department and Planning and Development Department that the definition of "Outdoor Patio" should be appropriately amended to delete the reference to a "Patio Licence", and to reflect the new regulations under The Liquor Licence Act.

In this regard, it is recommended that the Planning and Development Committee direct staff to schedule a Public Meeting for the April 22nd meeting to consider adoption of the following new definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.

It should be noted that since the current By-law definitions of "Restaurant" and "Tavern" refer to the various classes of licences under the old Liquor Licence Act, these definitions will also have to be revised to reflect the new Act. However, it is intended that the review of these definitions will be included in the pending City Initiative to provide for an 'omnibus' general text amendment (i.e. up-dating).

**CONCLUSION:**

That an appropriate amendment to the definition of "Outdoor Patio" be considered at the April 22, 1992 meeting of the Planning and Development Committee.

PDM/ma







F. (c)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 16  
DA-91-72  
(DA-87-77)  
(DA-88-78)  
Kirkendall North Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

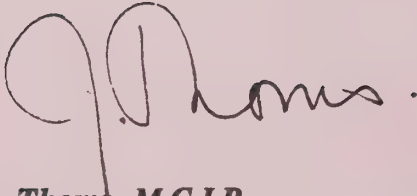
Site Plan Control Application DA-91-72 to amend approved plans of DA-87-77 for modification to the existing fourplex at 203 Homewood Avenue.

**RECOMMENDATION:**

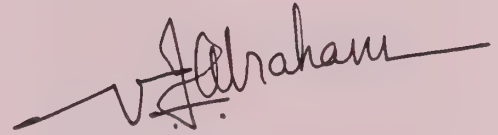
1. That approval be given to Site Plan Control Application DA-91-72 by Angelo Giacomelli, owner of lands at 203 Homewood, to amend approved plans of Site Plan Control Application DA-87-77 to incorporate changes to the parking and landscape area subject to the following:
  - a) modification to the plans related to dimensions, notes and paving as marked in red on the plans; and
  - b) approval by the Committee of Adjustment for the following variances:
    - i) to reduce the required manoeuvring for the existing parking spaces from a total of 6.0 m to 5.92 m; and,



- ii) to reduce the required number of parking from 5 to 4 spaces.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**BACKGROUND:**

During construction of the project, certain modifications have taken place. The garage for four vehicles was constructed equal distance from the side property lines, thus inadvertently eliminating an allowance for a visitor parking space to one side. Similarly, the rear yard distance was decreased, which then reduced manoeuvring space from a total of 6.0 m to 5.92 m.

The concept of landscape areas and walkways as previously approved under Site Plan Control Application DA87-77 have been maintained although the specified plant materials have been modified slightly.

**COMMENTS RECEIVED:**

The Building Department has advised the following:

- "1. The manoeuvring space aisle width is not the required 6.0 m.
2. The required five (5) parking spaces have not been provided.
3. A 1.2 m to 2.0 m high visual barrier is required along the easterly lot line except in the required front yard.
4. The wooden porch and steps located in the side yards must be at least .5 m from the side lot lines.



Note: The multiple dwelling is a three storey building."

The Traffic Department has advised that the site plan for this development was reviewed under DA87-77 and found to be satisfactory as the five required parking spaces were being provided. The revised plan and a site visit indicate that the four car garage has been constructed with no provision for the fifth required parking space. It was also indicated that reducing the number of required parking spaces for new developments is not supported. However, as the applicant has already built the garage with no provision for the fifth parking spaces, the Traffic Department has no comment.

The Hamilton-Wentworth Engineering Department has advised "that since the plan deals with the location of the garage at the rear of the property and will not affect the original approved grading plan, the plan submitted is approved."

**COMMENTS:**

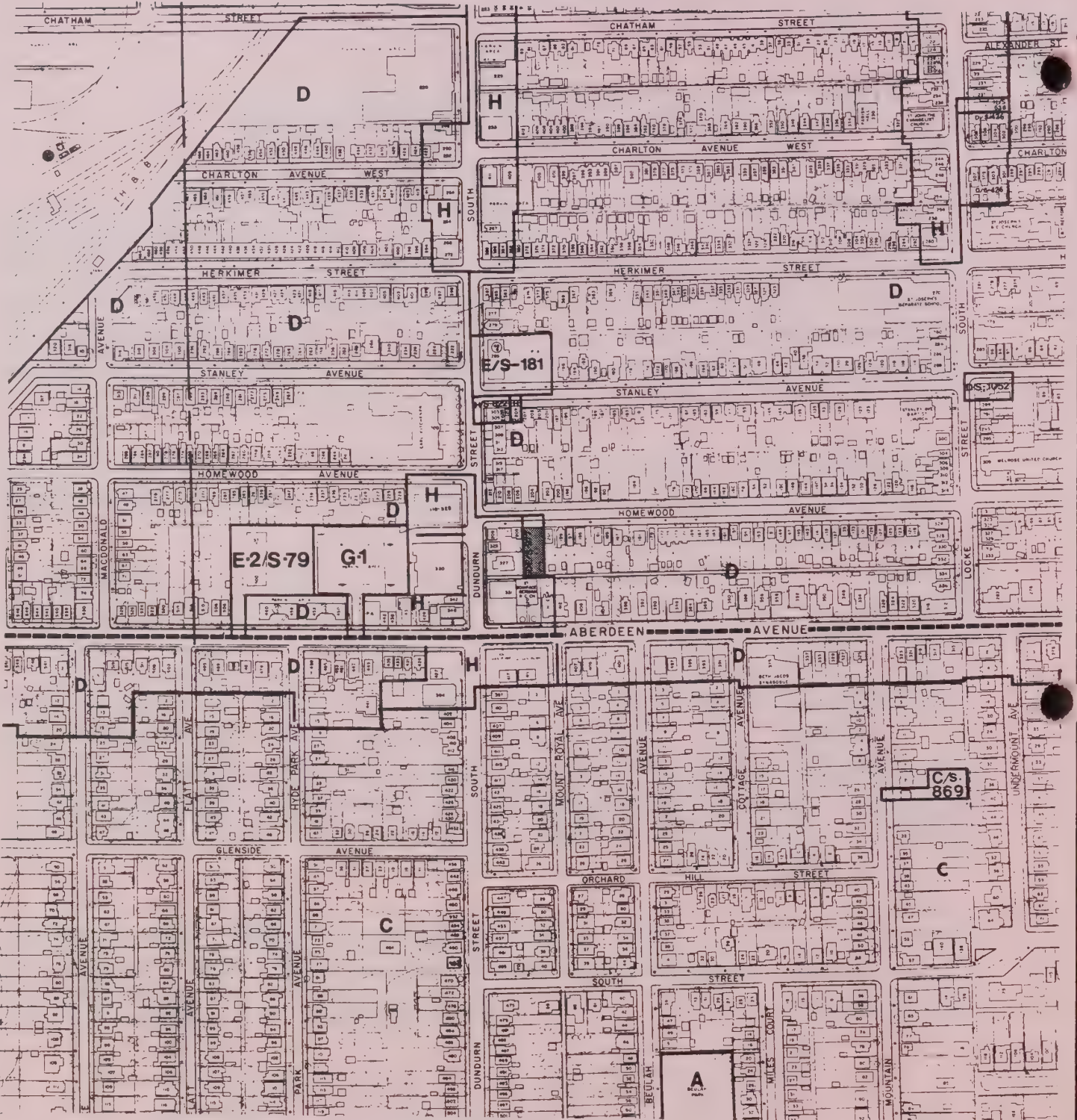
As indicated by the Traffic Department, the reduction of parking for new development would not be supported. Review of the existing site indicates that an additional parking space cannot physically be accommodated in the rear area. Although the front landscape area could be revised to accommodate a parking space partially on the property and partially on the road allowance, the removal of the established landscape area and reconstruction of the entrance area would not be desirable.

Therefore, the proposed variance to reduce the parking from 5 to 4 spaces and the total manoeuvring area from 6.0 m to 5.92 m can be supported and is subject to the approval of the Committee of Adjustment.

J.P.S.:ns  
DA9172



# KIRKENDALL NORTH No. 92



# KIRKENDALL SOUTH No. 93

## City of Hamilton Plan Showing Lands Subject to Site Plan Control Application DA-91-72

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



Site of the Application

North



Scale  
1:5000

Date  
DECEMBER, 1991

Reference File No.  
DA-91-72

Drawn By  
L.B.



F.(d)

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 13  
(P5-3-5)


**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

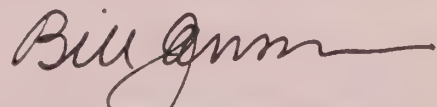
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** City of Hamilton Response - Environmental Waiver  
Request for Ofield Storm Sewer

**RECOMMENDATIONS:**

- A) The City of Hamilton advise the Regional Municipality of Hamilton-Wentworth that it supports the Environmental Waiver Request Report for the Ofield Storm Sewer, as shown on the attached map marked as APPENDIX "A", prepared by Dames and Moore, Canada, provided the measures identified in the Report to control erosion, silt, and sedimentation and the rehabilitation of vegetation in the easement are undertaken; and,
- B) That the City Clerk notify the Regional Clerk of the City of Hamilton's decision.

  
**J.D. Thoms, M.C.I.P.,**  
Commissioner  
Planning and Development Department

  
for **V.J. Abraham, M.C.I.P.,**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Region is proposing to construct a storm sewer outlet in the Ofield Road area to relieve the storm and sewage flow to the existing combined sewer system, thereby reducing the risk of basement flooding. During peak periods of overflow, untreated sewage flows into Ancaster creek, in the area of West Park and Main Streets.

The area in which the proposed sewer is to be located is designated "Environmentally Sensitive Area No. 20 - Dundas Valley" in the Hamilton-Wentworth Official Plan (HWOP). Pursuant to Policy 5.3.15(d), which requires "Area Municipalities to undertake the following actions in dealing with the Environmentally Sensitive Areas: ...With the concurrence of Regional Council, an Area Municipality may waive the requirement for an Environmental Impact Statement when it is determined that the Environmental Impact Statement is not warranted." On this basis, the Region has requested the City of Hamilton to comment on the Environmental Waiver Request.

The intent of a Waiver Request is to demonstrate that a Feasibility Study and Impact Analysis is not warranted for a specific project.

**ANALYSIS OF THE ENVIRONMENTAL WAIVER REQUEST**

The Environmental Waiver Request Report was prepared by Dames and Moore, Canada on behalf of Transportation and Environmental Services.

The waiver request outlines the biological and environmental conditions (eg. vegetation, plant communities, wildlife species and habitats) and the associated impacts; slope stability, erosion, siltation and sediment control and identifies rehabilitation of the vegetation, sewer alignment and fisheries.



- Vegetation and Plant Communities and Wildlife Habitat

The majority of the lands affected by the proposed sewer show signs of extensive disturbance because the lands have been covered by fill material (soil, soil bricks, assorted construction material) and alteration of slopes has occurred. The conclusion of the report indicates that "this (disturbance) has resulted in the destruction of the ground cover, alteration of drainage patterns and the subsequent death of a significant percentage of the trees on the ravine slopes". Although an extensive study of rare plant species has not been undertaken, the Consultant feels that the area does not have unusual plant ecology nor a well developed plant community. Accordingly, given that the habitat and the land have been disturbed it is very unlikely that rare or unusual plant species will be affected by the construction of the sewer.

Since the area has been the subject of a number of changes (slope alteration, fill accumulation, surrounding built up area), the quality of the wildlife habitat needed to sustain birds, animals etc, has declined. On this basis, the affected lands have limited potential for wildlife species.

The Report also concludes that "the flatland adjacent to Ancaster creek does not constitute a significant ecological unit, wildlife or wetland area."

However, Dames and Moore suggests that improvement in the "aesthetic quality and available habitat can be realized" if the easement is properly rehabilitated. This can be accomplished by ensuring the ravine slope is stabilized; the groundcover (including trees and shrubs) is replaced immediately after construction is complete; and, the soil removed in excavation is replaced in the same order that it was removed.

- Erosion, Silt and Sedimentation Control

Erosion, silt and sedimentation transport can occur during construction. Accordingly, the report identifies methods to mitigate these problems. Such methods include minimizing the removal of vegetation on slopes, the erection of temporary silt fences, etc.



- Slope Stability

The Environmental Waiver Request Report notes that the excavation required for the last 8 m of the sewer and the construction of the outlet structure may create soil instability. In this regard, the Report recommends that either the easement for the storm sewer be increased to allow for a realignment of the sewer or to construct a retaining structure to permit the installation of the works.

Accordingly, the Region should investigate the feasibility of instituting these alternatives.

- Fisheries Issues

The fisheries issues are the responsibility of the Ministry of Natural Resources.

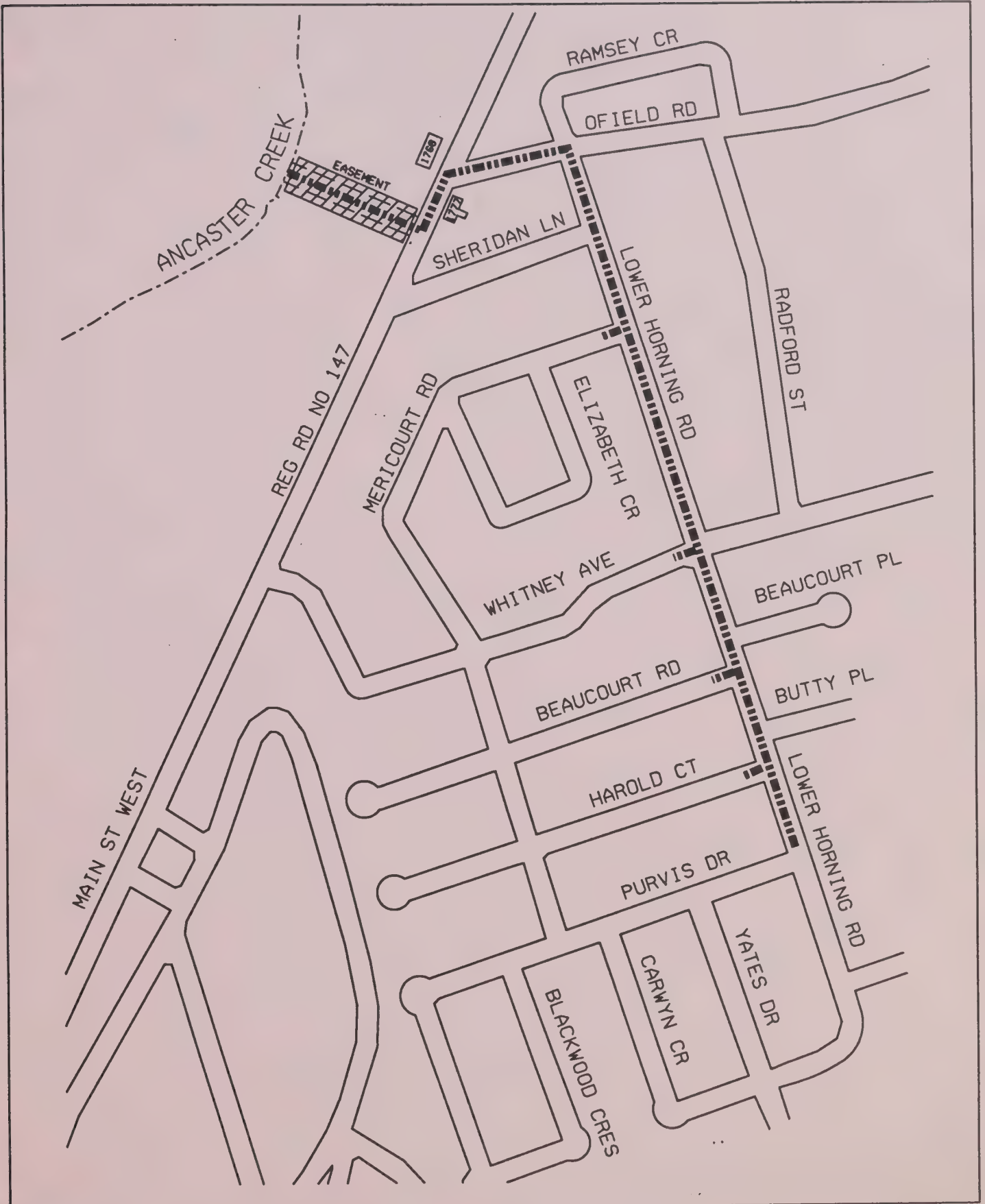
## CONCLUSIONS:

Based on the above:

- 1) The City of Hamilton advise the Regional Municipality of Hamilton-Wentworth that it supports the Environmental Waiver Request Report for the Ofield Storm Sewer, as shown on the attached map marked as APPENDIX "A", prepared by Dames and Moore, Canada, provided the measures identified in the Report to control erosion, silt, and sedimentation and the rehabilitation of vegetation in the easement are undertaken; and,
- 2) That the City Clerk notify the Regional Clerk of the City of Hamilton's decision.

JHE





LEGEND



AREA SUBJECT TO ENVIROMENTAL  
WAIVER REQUEST



SEWER











CITY COUNCIL  
HAMILTON, CANADA

Alderman Fred Eisenberger

71 MAIN STREET WEST L8N 3T4 • (416) 546-2730 • RES: (416) 573-9698 - Ward 5

March 13, 1992

Alderman Don Drury  
Chairman  
Planning and Development Committee

Dear Alderman Drury:

**RE: ROOF WATER CONNECTIONS TO STORM SEWERS ON NEW  
DEVELOPMENTS**

I would appreciate your placing the attached item on the agenda of the the next Planning and Development Committee.

Thank you.

Yours truly,

Fred Eisenberger  
Alderman, Ward 5

FE:nb  
Attch.

c.c. - Ms. Tina Agnello  
Secretary  
Planning & Development Committee

Rec'd  
Mar 16/92  
3.



## FOR ACTION

REPORT TO: Mrs. S.K. Reeder,  
Secretary,  
Planning & Development Committee

FROM: L.C. King, P.Eng.  
Building Commissioner

DATE: November 23, 1989  
COMM. FILE:  
DEPT. FILE: Zoning By-law  
80-245(88-09)

SUBJECT:

By-law 80-245 as amended by By-law 88-09 respecting land drainage.

RECOMMENDATION:

That By-law 80-245 be appropriately amended to allow buildings other than single and two-family dwellings and buildings accessory thereto to discharge rainwater leaders directly onto the ground rather than providing a connection to storm sewers.

That Section 6 be amended to include the following:-

That roof leaders are not required to be connected to storm sewers on buildings, other than single family and two-family dwellings and accessory buildings thereto, where the site design is prepared by a Professional Engineer and the design is acceptable to the Commissioner of Engineering.

FINANCIAL IMPLICATIONS: (IF NONE, STATE N/A)

N/A

BACKGROUND:

In 1988 By-law 80-245 was amended by By-law 88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law as it stands has been successful in alleviating the majority of problems caused by downspouts.

Since the passing of the by-law, this Department has encountered several problems with enforcement of the by-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of catchbasins and retention.



There have been some projects constructed recently which have not been connected to storm sewers and are nearing completion without the required connections. Below are listed those projects which have been found by this Department not complying with the by-law:

Project	Owner/Contractor	Action by Building Department	Action by Owner/Contractor
250 Limeridge Road East - 53 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valery Con- struction)	Order to Comply - June 30, 1989	Seeking Variance
300 Limeridge Road East - 55 townhouse units	Hamilton Baptist Non-Profit Housing (T. Valey Con- struction)	Order to Comply - June 30, 1989	Seeking Variance
1380 Upper Ottawa Street - 50 town- house units	Luval Enterprises (T. Valery Con- struction)	Order to Comply - July 27, 1989	Seeking Variance
79 Trieste S.F.D.	P. Ortenzi	Order to Comply - September 22, 1989	Remedial work done
220 Stone Church Road West - S.F.D.	Canway Construction (Covington Homes)	Order to Comply - July 21, 1989	Seeking Variance
381 Brigade S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
337 Brigade Drive S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
110 Bonaparte Way S.F.D.	Covington Homes	Order to Comply - June 6, 1989	Court Charges Pending
38 Brigade Drive S.F.D.	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
42 Brigade Drive	Sandona Homes	Order to Comply - July 28, 1989	Court Charges Pending
476 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
480 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action
487 Eaglewood Drive S.F.D.	Oakwood Homes	Order to Comply - October 10, 1989	No Action



With respect to enforcement of the by-law, the amendment requiring connection of rainwater leaders became effective on January 12, 1989. All building permit applications submitted after that date have required direct connection to the sewers. The exemptions of this are those plans of subdivision which were approved prior to January 15, 1988. On February 7, 1988, City Council exempted subdivisions which were approved prior to passing of the by-law.

This Department has not experienced any problems in obtaining compliance with the by-law until this year. For the first year during which the by-law came into effect, all drawings approved for building permits were notated with the by-law requirements. This was done to educate the construction industry about the by-law. The Hamilton Construction Association and the Hamilton and District Home Builders Association were also informed about the by-law and the requirements.

The proposal to amend the by-law has been discussed with the Hamilton Building Liaison Committee and has support from the Hamilton and District Home Builders Association, the Hamilton Construction Association, the Association of Professional Engineers of Ontario, and the Ontario Association of Architects.

Those building sites, which are designed by Architects or registered Professional Engineers of Ontario have special requirements respecting inspection and site review by the design professional. Under sentence 2.3.2.1.(1) of the Ontario Building Code, general review is required as follows:

Except as permitted in Sentence (2), a person who intends to *construct* or have *constructed* a *building* required to be designed by an *architect*, *professional engineer* or both, shall ensure that an *architect*, *professional engineer* or both are retained to undertake the general review of the *construction* of the *building* in accordance with the performance standards of the Ontario Association of Architects or the Association of Professional Engineers of Ontario, as applicable, to determine whether the *construction* is in general conformity with the plans, sketches, drawings, graphic representations, specifications and other documents that are prepared by an *architect*, *professional engineer* or both and that form the basis for the issuance of a *building* permit or any changes thereto authorized by the *chief official*; written reports arising out of the general review shall be forwarded to the *chief official* by such person.

As noted on the previous list, the owner of townhouses at 250 Limeridge Road East, 300 Limeridge Road East, and 1380 Upper Ottawa Street is seeking a change to the by-law. Please find attached a letter from Haverty & Rankin Limited, Architects, respecting these developments where by an oversight, the builder did not connect the rainwater leaders directly to the storm sewers.

It has been suggested that on projects such as this, if a Professional Engineer is employed and designs the total site to accommodate all storm water run-off, then direct connection to the storm sewer is not necessary. This proposal will allow some flexibility in the design of multiple-residential, commercial, and industrial developments and would also benefit the municipality by delaying peak run-off during storms and allowing site absorption of some of the storm run-off.

This proposed amendment is similar to the by-law requirements, dealing with catchbasins on parking lots and would eliminate the discrepancies in the by-law between buildings and parking lots.



PCL

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1991 December 19

**REPORT TO:** Mrs. Charlene Coutts, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King  
Building Commissioner

**SUBJECT:** Rainwater Leader By-law (By-law 88-09)(BI-91-12)

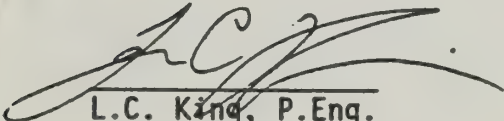
**RECOMMENDATION:**

That the projects at:

- 1/ Stanley Woods/Stanley Place - 250 and 300 Limeridge Road East, and
- 2/ Applegrove - 1380 Upper Ottawa Street

*approved*  
*- tested*

be exempt from connecting all rainwater leaders to storm sewers as required by By-law 80-245 and be accepted as built.

  
L.C. King, P.Eng.  
PCL/LCK/dm  
Encl.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

In 1988, By-law 80-245 was amended by By-law 88-09 requiring the connection of rainwater leaders to storm sewers. The purpose of this by-law was to alleviate neighbourhood disputes and flooding caused by the discharge of rainwater leaders in close proximity to property lines. The by-law, as it is presently worded and enforced, has been successful in alleviating most problems caused by downspouts.

Since this by-law passed, the Building Department has encountered several problems with enforcement of the By-law on multiple-residential projects. On large projects, it has been the practice of designers to include all storm run-off within the boundary of the property and to provide adequate drainage by way of surface catchment and retention on the site.



The owner of the above-noted properties for townhouses 250 and 300 Limeridge Road East and 1380 Upper Ottawa Street is seeking a change on exemption to the by-law. Please find attached a letter from Lorne Haverty Ltd., Architect, respecting these developments, whereby by an oversight, the builder did not connect all the rainwater leaders directly to the storm sewers.

It has been suggested by the Architect that the existing site be allowed to be maintained with the connection of some rainwater leaders directly to storm sewers and the remaining rainwater leaders to spill onto the ground and indirectly in catchbasins on site. This proposal is similar to water catchment for a parking lot where surface water is run into catchbasins and then discharged into a storm sewer.

c.c. - K. Brenner, Manager of Environmental Planning  
Regional Engineering Department





LORNE  
HAVERTY  
LTD.,  
Architect

276 MAIN ST. WEST  
HAMILTON, ONTARIO  
L8P 1J8

PH (416) 546-1600  
FAX (416) 546-1021

November 7, 1991

Mr. Peter Lampman  
City of Hamilton  
Building Department  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Lampman:

Please find enclosed our drawing illustrating the site plan for the STANLEY WOODS/STANLEY PLACE projects located at 250-300 Limeridge Road East in Hamilton. Please note the circles around the downspouts located along Limeridge Road, whereby storm water from the roofs is taken directly to the storm water system on site.

For the remainder of the site, as well as the APPLEGROVE project located at 1380 Upper Ottawa Street, we, on behalf of Valery Construction, are requesting an exception from the bylaw to allow the roof run-off to be directed across grade to parking lot and grass drains. As inspected on the site, the drainage does not appear to create any run-off problem, and is contained on the site.

The projects at 250-300 Limeridge Road East appear 300 mm higher than designed; however, this does not seem to create any problem other than at the front of the buildings at Limeridge. This problem has now been looked after by the connections to the sewer.

Yours truly,

LORNE HAVERTY





THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

Department of Engineering  
71 Main Street West, Hamilton, Ont. L8N 3T4

Tel. (416) 546-4170  
Fax (416) 526-6665

Refer to File No.  
Attention of  
Your file No.

E220-0209  
E.Hicken  
DA-88-34

September 30, 1991

The Corporation of the City of Hamilton  
Building Department  
City Hall, 3rd Floor

Att: Brian Allick, Manager of Field Services

Inspection of Grading and Roof Drainage at  
250-300 Limeridge Road East, Hamilton

Dear Mr. Allick:

We visually inspected the above noted site September 26, 1991, and found the amended roof drainage does not appear to create any run-off problems and is contained within the site.

The overall grading of this development appears to comply with the intent of the approved grading plan. The supplied as built elevations indicate the entire development was constructed approximately 0.30 metres to high, however this does not seem to create any problems and is acceptable to this department.

K.A. Brenner, P.Eng.  
Manager of Environmental Planning

OK EH/cb

cc: Ashenhurst Nouwens Ltd.  
315-201 York Boulevard  
Hamilton, Ontario  
L8R 3K5

cc: Valery Construction Ltd.  
2142 King Street East  
Hamilton, Ontario  
L8K 5W7



4.1

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 13  
P5-4-7-13

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Department

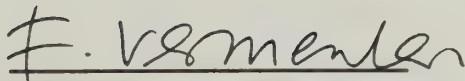
**FROM:** Fred Vermeulen, Chairman  
Urban Design Committee

**SUBJECT:** Request that the Urban Design Committee be circulated on  
municipal projects dealing with Urban Design matters.

**RECOMMENDATION:**

That the Urban Design Committee be circulated for future municipal initiated projects requiring the hiring of Urban Design Consultants or dealing with Urban Design matters in order to review and comment on Terms of Reference for projects prior to advertisement; and further;

That this request be forwarded to the various Committees of City Council and City Departments.



**Fred Vermeulen, Chairman**  
**Urban Design Committee**



**BACKGROUND:**

A number of recent municipal initiated projects are being processed with specific terms related to "Urban Design" without the involvement of the Urban Design Committee at their initial stages. Such projects as Ferguson Avenue Study, Central Area Pride and the City Hall grounds all deal with Urban Design matters.

The established Terms of Reference for the Urban Design Committee include advising the Planning and Development Committee and liaising with other committees on Urban Design matters.

The varied backgrounds and expertise of the members of the Urban Design Committee would provide valuable insight into the drafting of Terms of Reference when it is intended to retain Urban Design professionals.

FV/JPS/ma



**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 13  
P5-4-7-13

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Fred Vermeulen, Chairman  
Urban Design Committee

**SUBJECT:** Urban Safety Study.

**RECOMMENDATION:**

That the Urban Safety Study prepared by L. Morris to develop Urban Safety Design standards be endorsed and that funding for the study be investigated by the Planning and Development Department.

F. Vermeulen

Fred Vermeulen, Chairman  
Urban Design Committee

**BACKGROUND:**

At its meeting of November 25, 1991, the Urban Design Committee reviewed the attached Urban Safety Study prepared by Lynda Morris a resident of the City of Hamilton and a past member of the Status of Women Sub-Committee.



The purpose of the study is to develop recommendations related to urban safety for women in Hamilton, and will enhance the Urban Safety Audit presently being prepared. This will be achieved through a pilot project on a specific site to increase the comfort and safety of the streetscape and environment for women. Sites for the study are open, however, the possibility of co-ordinating this work with the current City Hall Grounds Study or the Central Beasley Neighbourhood Study is possible.

FV/JPS/ma



# "Urban Safety"

## A Project Proposal



Submitted By Lynda Morris  
November 22, 1991



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# Introduction

Urban design is concerned with the form and appearance of structures and open space. The purpose of urban design is to improve the quality of life and strengthen the economy. One of its functions is to design defensible open space that reduces crime.

"... planners and designers do have a role to play in legitimizing women's fears of public violence and acting to prevent them."

- City of Toronto Safe City Committee

A safety audit is a close evaluation of the physical environment, how space is organized and how this organization of space inhibits or reinforces a sense of safety.





# Goal

- To develop recommendations related to urban safety for women in Hamilton based on an urban safety audit, the study of existing literature and related research.
- To do a pilot project on a specific site designated for retrofitting or maintenance and upgrading, taking into consideration the need to increase the comfort and safety of the streetscape and environment for women.





# Methodology

- To select the area to be researched in consultation with the Urban Design Committee, planners or elected officials.
- To describe the physical limits of the chosen area, for example:
  - Summers Lane from King Street to Main Street, including stairwells, entrances and exits that abut Summers Lane
  - City Hall Grounds, Hamilton, Ontario. The study to complement the project currently being considered to study the civic property immediately surrounding City Hall.

To include within the proposed study the need to increase the comfort and safety of City Hall grounds for women and increase their use and enjoyment of the area. This is an opportunity for consultation with those who currently or potentially will use this urban space

- another site to be determined.





# Research and Critical Analysis

- To coordinate approximately 5 safety audits with three to five women involved in each one. The same physical area would be audited each time using participants representative of different groups of women who live in Hamilton. (A survey form may also be developed and administered to current users of the area.)

Individuals representative of different groups of women who live in Hamilton may include the following:

- women who are wheelchair bound, visually impaired, hearing impaired, developmentally disabled
  - women who are from racially, ethnically and/or culturally diverse backgrounds
  - women from various age groups, socio-economic levels and sexual categories (heterosexual, lesbian or bisexual)
  - women who have recently immigrated to Canada
  - women with low literacy
  - women carrying parcels or books
  - women walking with small children and/or pushing a stroller
  - women who work at night (for example; City Hall staff and elected officials, nurses, factory workers, lawyers, doctors, executives, those who attend evening meetings, evening students, etc.)
- To document, in slide format, both the positive and the negative aspects of the area under study.





- To research relevant literature from other cities around the world. (Possible Sources: METRAC library, Planning Department library, Safe City Committee library and other resource materials.)
- To hold follow-up meetings with participants immediately after the safety audit to ascertain their thoughts, feelings and concerns. These follow-up meetings to take place in a quiet room at City Hall or a suitable location close to the safety audit site where food and/or juice/coffee is provided. Transportation and parking costs to be covered for participants.





# Recommendations

- To make recommendations to the Urban Design Committee based on analysis of the project results. These recommendations to be distributed through the system for implementation by appropriate City and Regional departments, for example;

Building Department (Property Standards)

Police Department

Fire Department

Engineering Department

Social Services Department (Shelter and Housing)

Transit Services Department

Planning Department

Public Works Department

Culture and Recreation Department

Other departments as appropriate.





# Budget

Project Fee - (3 month projected duration) \$5000

Resource Materials - (based on "Resources on Women's Safety and Security and the Built Environment") \$287

## Transportation and Parking:

Toronto - for research (estimate for 5 trips) \$100

Parking \$50

Car Allowance \$150

Long Distance Calls - (estimate for 20 twenty-minute calls to Toronto or 20 x \$6.20 plus G.S.T. & P.S.T.) \$145

## For Audit Participants:

Transportation (by bus) \$140

Parking \$90

Refreshments - (estimate for sandwiches, juice, coffee and one dozen cookies for 5 people at 5 audits or 5 x \$51.39) \$260

Sub-total Based on Current Costs \$6222

Contingency of 15% \$183

Total \$6405

**RECOMMENDED FUNDING \$6500**





# Additional Expenses Not Included in Budget

Supplies

Mailing

Telephone

Printing

Stationery

Postage

Photocopying - (estimated 100 pages)

Sundries

Faxing - (estimated 30 pages)

Photographic supplies - (estimated 20 rolls of 35 mm. film)

Film Processing

Female Assistant

Layout and printing of final report





# Possible Sites to Consider for This Project

Summer's Lane

Front of City Hall

City Hall Parking Lot

Gore Park

TH&B Station (outside)

McNab Street Underpass





# Possible Sources of Funding as Discussed at Urban Design Committee October 28, 1991

Ministry of Municipal Affairs

Federal Government - Section 25

Hamilton Foundation

Edith Turner Foundation

## Other Possible Sources of Funding

City Hall Departments that would benefit from recommendations, for example; Planning Department, Culture and Recreation Department, Public Works Department and other departments as appropriate.





RESOURCES  
ON WOMEN'S SAFETY AND SECURITY  
AND THE BUILT ENVIRONMENT

prepared by  
THE CITY OF TORONTO  
SAFE CITY COMMITTEE

March 1991



The Safe City Committee was created by the City of Toronto in 1989, to look at ways the City can help prevent public violence against women. The Safe City Committee believes that making the City safer for women benefits everyone, including seniors, children and the disabled.

Since its first day, the Safe City Committee has received requests for information on planning and design strategies for preventing public violence against women. The requests have come from across Canada, the U.S. and Europe; from governments, architects and consultants in the private sector, and interested citizens. We have come to recognize that gathering and disseminating information on "planning for a safer city" is an important part of our role, especially since much of this information comes from obscure sources, organizations no longer in existence, and non-English speaking countries.

Because of our limited staff and space as well as the emphasis of this committee (municipal strategies to prevent public violence against women), there is little information on:

- violence in the home (including but not limited to wife assault, physical and sexual child abuse, elder abuse)
- traditional crime prevention (prevention of burglary in the home or in stores, reducing "incivilities" such as graffiti and vandalism)
- conflict resolution and education against violence

It is our hope that this resource list will result in greater knowledge, increased caring and informed action on making your city safer. While it is true that one-half to two-thirds of all attacks on women take place in private space, planners and designers do have a role to play in legitimating women's fears of public violence and acting to prevent them. Planning and design improvement is certainly not the entire answer to the prevention of violence against women, but it is part of the answer, a part that is just beginning to be addressed.

The Safe City Committee's resource library, which include the works cited below as well as other publications, can be viewed by appointment.

City of Toronto Safe City Committee  
18th floor, City Hall,  
Toronto ON  
M5H 2N2  
(416) 392-0403



PRICES DO NOT INCLUDE TAX OR POSTAGE.

**Safe City Committee publications**

The Safe City Report: municipal strategies for preventing public violence against women. 1988. 16 pp.....\$5.00  
[aussi disponible en français]

Planning for a Safer City: Cityplan '91 background paper no. 10  
1990. 18 pp.....\$5.00 ✓

(with the Healthy City Office:)

Beyond Neighbourhood Watch: a women's guide to creating a safer and healthier community. 1991. 40 pp.....\$5.00 ✓

(with the Planning and Development and Parks and Recreation Department and the Canadian Urban Institute:)

Green Spaces/ Safer Places: a report on the proceedings of a forum on planning safer parks for women. 1991. 30 pp.....\$4.00

We also have published a number of pamphlets (For a City to be Truly Liveable, all People Must Feel Safe, Underground Garages: safety guidelines for owners and users, and Making Your Construction Site More Secure). Single copies are free.

**Available from the Safe City Committee**

Amsterdam Physical Planning Department. Physical Planning and the Emancipation of Women: first partial report on social safety [translated from Dutch]. 1985. 67 pp.....\$7.00 ✓

Amsterdam Physical Planning Department. From Structure Plan to Realisation of Station Sloterdijk: social safety in practice [translated from Dutch]. 1986. 22 pp.....\$2.50

Charland, Janine. Women's Personal Security, Fear of Crime, and the Urban Environment (MES thesis, York University). 1988. 189 pp.....\$19.00 ✓

City of Montreal Standing Committee on Urban Planning, Housing, and Public Works. Women and the City: report of the committee on the problems of women in an urban environment. 1989. [aussi disponible en français]. 58 pp.....\$6.00 ✓

Comite Femmes et Logement de l'Assemblée generale des femmes en intervention regionales. Les Femmes de Hull Auront-elles Une Ville a leur mesure? (in French). 1988. 20 pp.....\$2.00

Femmes et Logement (Montreal). Les Femmes et la Securite dans l'Environnement Urbain (in French). 1990. 32 pp.....\$3.50



- Femmes Et Ville Quebec. Memoire Presente aux audience publiques sur le plan directeur de la Ville de Quebec (in French). 1987. 35pp.....\$3.50
- Grant, Ali. Women and Public Urban Space: women's freedom of movement in Toronto (MA thesis; University of Toronto). 1988. 89pp.....\$9.00 ✓
- Greater London Council. Women on the Move: GLC survey on women and transport. 1986. 150 pp.....\$15.00
- Greater London Council. Changing Places: positive action on women and planning. 1986. 50 pp.....\$5.00 ✓
- Haringey, London borough of (comprehensive housing service). What makes women feel safe? 1986. 6 pp.....\$1.00 ✓
- Haringey Town Planning Service. A guide for Developers, towards a safer environment. 1988. 2 pp.....\$0.50 ✓
- Lahaise, Marie-Dominique. Reinventir la Ville Grace a la Magie Des Sorcieres: perspectives feministes sur la ville (in French) (MA thesis, McGill University). 135 pp.....\$13.50
- Larson, Vivi and Hanne Topsoe-Jenson. Urban Planning and the Everyday Life of Women (translated from Danish). 1984. 54 pp.\$5.50 ✓
- Manchester City Council. Breaking the Silence: Manchester Women Speak Out! women and violence survey report. 1986. 47 pp...\$5.00
- Manchester City Planning Department. Planning for a Safer Environment for Women. 1987. 20 pp.....\$2.00 ✓
- Metro Toronto Task Force on Public Violence against Women and Children. Final Report. 1984. 177 pp.....\$18.00 ✓
- Ministry of Housing, Physical Planning and the Environment [Netherlands]. Urban Planning and Community Safety (translated from Dutch). 1987. 24 pp.....\$2.50 ✓
- Ministry of Housing, Physical Planning and the Environment [Netherlands]. Times are Changing: the impact of women's emancipation on the field of housing and physical planning (translated from Dutch). 1988. 35 pp.....\$3.50 ✓
- Orsini, David. Mitigating Fear in the Landscape: Recommendations for Enhancing Users' Perceptions of Safety in Urban Parks (MA thesis, University of Guelph). 1990. 100 pp.....\$10.00 ✓
- Southwark, London borough of. Safety guidelines (draft). 1985. 8 pp.....\$1.00



Southwark, London borough of. Housing Security Design Guide.  
1985. 10 pp.....\$1.00

Stoks, Francis. Assessing Urban Public Space Environments for  
Danger of Violent Crime, especially rape (PhD thesis, University of  
Washington). 1982. 361 pp.....\$36.50 ✓

Wandsworth, London borough of. Planning Design Guidelines:  
personal safety and security. 1986. 2 pp.....\$0.50 ✓

Whitzman, Carolyn. Women, Fear and Urban Neighbourhoods (MA  
thesis, University of Toronto). 1988. 358 pp.....\$36.00 ✓

### Recommended by the Safe City Committee

Available from Women Plan Toronto 736 Bathurst St. Toronto ON  
M5S 2R4 or phone (416) 588-9751:

Women Plan Toronto: shared experiences and dreams. 1985. \$6.00 ✓

Available from METRAC, 158 Spadina Rd., Toronto M5R 2T8 or phone  
(416) 392-3135:

The Women in Safe Environments Report (prepared by Women Plan  
Toronto, METRAC, York University Faculty of Environmental Studies)  
1987. \$5.00. and ✓

Women's Safety Audit Kit. 1989. pay what you can (cost: \$2.75)  
Planning for Sexual Assault Prevention: women's safety in High  
Park. 1989. \$5.00. ✓

Women's Campus Safety Audit Kit. 1991. pay what you can.

Available from Toronto Transit Commission, 1900 Yonge St., M5S 1Z2  
or phone (416) 393-4000:

Moving Forward: making transit safer for women. (prepared by  
METRAC, Toronto Transit Commission, Metro Toronto Police Force).  
1989. and

Making Transit Stops Safer for Women: Scarborough Moves Forward.  
(prepared by METRAC, Toronto Transit Commission, Metro Toronto  
Police Force, City of Scarborough, Scarborough Women's Centre).  
1991.

Available from Centre for Urban and Community Studies, 455 Spadina  
Ave, Toronto ON M5S 2G8:

Women and Environments. quarterly journal. \$15.00/yr. See  
especially vol. 12 (1): special issue on urban safety: ✓

Available from Corporate Policy Branch, Secretary of State Canada,  
Ottawa K1A 0M5 or phone (819) 994-5860:

MacLeod, Linda. The City for Women: no safe place. 1989.

Available from Women's Design Service, 18 Ashwin St. London UK E8  
3DL or phone (071) 241-6910:

Women's Safety on Housing Estates. 1988. \$15.00.



Making a Place for Women: a resource handbook on women and the built environment (with South Bank Polytechnic). 1989. \$15.00 and At Women's Convenience: design guidelines for public toilets. 1991. \$10.00. ✓

WEB: Women and the Built Environment. A quarterly journal. \$15.00/yr. ✓

Available from architectural bookstores:

Cooper Marcus, Clare and Wendy Sarkissian. Housing as if People Mattered: site design guidelines for medium-density family housing. University of California Berkeley Press: 1986.

Cooper Marcus, Clare and Carolyn Francis. People Places: guidelines for urban open space. Van Nostrand Reinhold: 1990. ✓

Untermann, Richard and Robert Small. Site Planning for Cluster Housing. Van Nostrand Reinhold: 1985.



# Addendum

Women researching urban safety have strongly advised that a researcher may be subject to harassment. Personal telephone numbers and addresses must not be made available.

Some assistance will be required in this matter.



PRESENTATION OF CITY HALL AWARENESS SUBCOMMITTEE OF STATUS OF WOMEN SUBCOMMITTEE June 15, 1991 TO REGIONAL CHAIRMAN'S TASK FORCE ON SUSTAINABLE DEVELOPMENT

My name is Lynda Morris. I am chair of the City Hall Awareness Committee of the Status of Women Subcommittee at Hamilton City Hall. I am going to address the issue of Women and Urban Safety.

On June 5, 1991, a young woman quietly reading a book at Princess Point in west Hamilton was sexually assaulted by a man with a knife. In Hamilton-Wentworth, in the three month period from January to March 1991, 118 sexual offenses were reported. In all of 1990, 546 sexual offenses were reported. Most offenses are NOT reported. Although we don't have the breakdown of how many of these offenses were against women, we do know that nationally 95% of sexual offenses are by men against women and children. A sexual offence is using force without consent. There is a sexual overtone.

In June 1990, in the Durand area of Hamilton, 25% of those interviewed in a survey do not go out alone or late at night.

In an Angus-Reid/Citizen poll conducted in the city of Ottawa in May 1991:

- one in three women surveyed said they were afraid to walk in their neighbourhoods at night.

- 90% of women surveyed restrict their activities for self-protection. (In an 8 city Canadian study reported in March 1991, some women spoke of not being able to perform most routine tasks, like going to work, shopping, picking up children from day care, going for a walk after supper, without planning "strategy" to reduce risk.

Back to the Ottawa study, 2/3 of the women who do not go out alone or avoid staying out late believe their personal security is threatened because they are female.

- 43% of the women interviewed said they fear sexual assault.

According to the report, Safe City, 1988, statistics show



that this withdrawal leaves the streets open to crime. City centres die: Urban sprawl is encouraged.

Women have the right to live free from fear and violence. The Status of Women City Hall Awareness Committee suggest new plans be designed with safety in mind and old sites that are unsafe be improved.

Other communities have met with a great deal of success involving the stakeholders directly in the planning process. A lot of work has already been done on behalf of disabled by the Region through the Health and Social Services Committee in making the community more physically accessible. Results are very exciting.

Consulting with women in the community builds on the same sorts of values in designing and redesigning the urban landscape to be more people oriented. Women in the community need to be involved in a consultation process along with police, politicians, planners and architects in planning long term overall policy for safe urban design as well as ongoing concerns.

Being a woman alone at night in the city can be very frightening. Women want to be involved in crime prevention. Preventing acts of public violence calls for the modification of physical and social environments, not just personal behaviour. Other groups who are vulnerable to violence such as the frail elderly and the disabled will also benefit.

Research on the relationship between design and opportunity for public violence against women shows that certain settings may make women more vulnerable, just as others may ensure a higher degree of safety.

Hamilton-Wentworth can consider safer urban design practices in parking lots, underground parking garages, parks, recreational facilities, schoolyards (which are often desolate at night) and open spaces.



## Status of Women Subcommittee Report, June 1991

includes a community that is safe for all members. Your reports suggests the following:

- require municipalities to incorporate "safe planning" -- good lighting, adequate security systems, visibility to others and access to help -- into their review of neighbourhoods and new development proposals.

- public transit must incorporate safety issues. The location of stops should include adequate lighting, public telephones, safe shelters, and should not require long walks through empty or unsafe areas.

### ADDENDUM

Pioneering work done in Seattle on assessing urban public space environments for danger of violent crime, especially rape found that the typical rape site tended to be in a small physically confined space generally less than 10 metres. The rape site was usually defined by a series of barriers such as dense vegetation and building walls or fences that have the effect of physically or psychologically restraining the victim. The rape site was frequently close to strong victim movement or location predictors such as pedestrian thoroughfares and bus stops.

from The Safe City, Toronto City Council, fall 1988

quoted from Stoks, Francis G. Assessing Urban Public Space Environments for Danger of Violent Crime - Especially Rape. Ph.D.

Dissertation, University of Washington, Seattle, U.S.A., 1982

*Comfort for women and men can be increased by encouraging bars, restaurants and clubs to monitor their own front area to ensure that patrons are not creating a disturbance or harassing people passing by.*



SURVEY -- MAKING THE CITY SAFER FOR WOMEN

The Hamilton Safety Audit



Women often carefully plan their activities because of concerns about personal safety.

Please fill in the attached survey form to help the Status of Women Subcommittee in our planning of the Hamilton Safety Audit.

On the survey form, the term "regular activities" is used.

REGULAR ACTIVITIES includes shopping, work-related, religious, recreational, volunteer, child-care and in-home activities. This includes the use of public or personal transportation whether by bus, car, truck, motorbike, bicycle or walking to and from these activities and the use of parking lots and bus shelters et cetera.



1. Are you female ☐ or male ☐

2. How old are you?

under 18

☐

18-24

☐

25-34

☐

35-44

☐

45-54

☐

55-64

☐

65-74

☐

75-84

☐

over 85

☐

3. What is your general feeling of personal safety or comfort while doing your regular activities?

very comfortable

☐

comfortable

☐☐

very uncomfortable

☐☐

4(a) Do you carefully plan your regular activities because of fear for your personal safety?

never

☐☐

sometimes

☐☐

always

☐

4(b) Please give examples of how you plan your activities because of these fears.

5(a) Do you restrict your regular activities because of fear for your personal safety?

never

☐☐

sometimes

☐☐

always

☐

5(b) Please give examples of how you restrict your activities.

Please use the other side of this page if you need more space.



6. Have the following situations ever happened to you while involved in your regular activities?

HAPPENED

DID YOU KNOW THE  
PERSON WHO DID IT?

DID YOU REPORT I  
THE POLICE

YES NO

YES NO

YES NO

verbal harrassment ☐ ☐

☐ ☐

☐ ☐

physical harrassment ☐ ☐

☐ ☐

☐ ☐

purse snatching ☐ ☐

☐ ☐

☐ ☐

theft (at work,  
on the street,  
while shopping etc ☐ ☐

☐ ☐

☐ ☐

break-in of your home ☐ ☐

☐ ☐

☐ ☐

physical assault  
causing bodily harm ☐ ☐

☐ ☐

☐ ☐

sexual assault ☐ ☐

☐ ☐

☐ ☐

any other ☐ ☐

☐ ☐

☐ ☐

Please describe

*You may use the other side of this page.*



Please describe specific places in the city of Hampton and how

what could be done to make you feel safer.

place

time of day \_\_\_\_\_

time of year \_\_\_\_\_

what could be done

b) place

time of day \_\_\_\_\_

time of year \_\_\_\_\_

what could be done?

c) place

time of day \_\_\_\_\_

time of year \_\_\_\_\_

what could be done?

d) place

time of day \_\_\_\_\_

time of year \_\_\_\_\_

what could be done?

e) place

time of day \_\_\_\_\_

time of year \_\_\_\_\_

what could be done?

Please use the rest of this page and the other side of this page if you have more ideas to share. We can use this information in determining where we do safety audits.



8. How did you find out about this meeting?

a) radio \_\_\_\_\_ which station \_\_\_\_\_

b) newspaper \_\_\_\_\_ Spectator \_\_\_\_\_ Hamilton Journal East

Hamilton Journal West \_\_\_\_\_ Hamilton Mountain News \_\_\_\_\_

c) flyer \_\_\_\_\_ Where was it posted? \_\_\_\_\_

d) Did you receive the flyer in the mail? \_\_\_\_\_

e) Did your organization receive the flyer? \_\_\_\_\_

What is the name of your organization? \_\_\_\_\_

9. Would you be interested in taking part in a safety audit in the future

10 IF YOU ARE INTERESTED IN TAKING PART IN A SAFETY AUDIT IN THE FUTURE, PLEASE SIGN UP ON  
THE SIGN UP SHEET.

THANK YOU FOR YOUR PART IN HELPING MAKE HAMILTON A SAFER CITY FOR WOMEN



3.

**Strategic Plan Submission**

**from**

**Hamilton Status of Women Sub-Committee**

**prepared by Lynda Morris**

**1991 November 11**

DRAFT



- recommendations from the audit passed on and acted upon by appropriate City and Regional Departments, for example, Building Department (Property Standards) Police, Fire Department, Engineering, Planning, Social Services Department (shelter and housing), Transit Services.

#### Safety in Recreation Centres and Parks

- landscaping that does not block sitelines or provide a hiding place.
- washrooms in recreation centres where parents can change children of the opposite sex or adults may change a partner of the opposite sex who needs help
- free self defense courses for women



## ROLE AND PRIORITIES OF CITY HALL IN THE COMMUNITY

### The Community

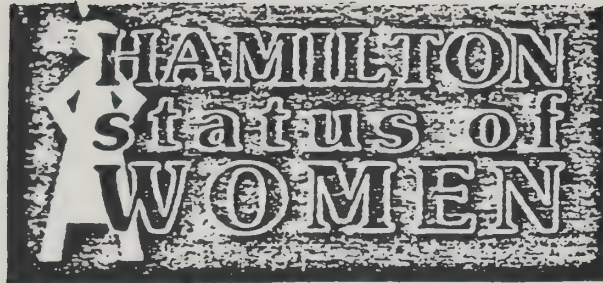
Changes in the way our city, parks and buildings - outside as well as inside, public and private (for example, apartment buildings) are planned and designed will lead to a safe city for women and for all our citizens, provided that safety concerns are taken into account. We want our women's organizations consulted, as part of the approval process. Women have a lifetime of experience about what makes them feel safe or unsafe.

A community based women's group needs to be included on the site plan circulation list for both internal and external projects so that plans will always address women's safety concerns.

The community needs to continue working to bring people together. A sense of caring, belonging and ownership by the residents of an area prevents it from deteriorating and makes it safer.

(Many of the above comments on roles and priorities are drawn from Miranda Lawrence report on the Centretown Experience).





4

CITY HALL  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4  
(416) 546-3994

Sub-Committee

1991 June 14

Mountain Plaza Mall  
Administration Office,  
c/o Lorraine Murphy, Marketing Manager,  
661 Upper James Street,  
Hamilton, ON  
L9C 5R8

Dear Ms. Murphy,

**SUBJECT: SURVEY ON ENVIRONMENTAL SUPPORT MEASURES FOR WOMEN**

The Hamilton Status of Women City Hall Awareness Committee has the long-term goal of increasing awareness and response to women's needs by the business community. Our short-term goal is to increase awareness and response to women's needs as consumers. Environmental support measures such as public telephones, seating, restrooms, and well lit parking lots allow extended shopping in comfort. Living and working in the Hamilton-Wentworth communities has given those of us on the Hamilton Status of Women Sub-Committee, and other women various experiences as mall shoppers.

As a pilot project, we are surveying covered enclosed shopping malls to find out how you are currently meeting the needs expressed in the questionnaire. You may also be meeting needs in other ways. Please share them with us.

We are conducting a survey of the malls in Hamilton-Wentworth in 1991 June, with a follow-up survey to take place in the fall of 1991 to learn what changes you may have made. Please answer our survey questions and return the survey by 1991 June 25.

We hope our questions will provide you with ideas that will provide value added service to your mall. It is quite likely that you may have considered some of these ideas already as marketing vehicles. We are looking for a win-win opportunity - happier, more satisfied customers who will be even more pleased to visit your mall. As well, we hope to recognize malls who are providing environmental support measures for women.

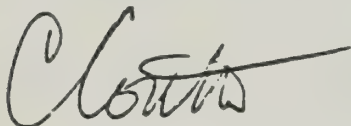


Please return by 1991 June 25, to:

Charlene Coutts, Secretary  
Hamilton Status of Women Sub-Committee  
City Hall  
71 Main St. W.  
Hamilton, ON  
L8N 3T4

If you have any questions or require further information, please do not hesitate to contact the undersigned at 522-0990.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Lynda Morris', with a long horizontal stroke extending to the right.

*per* Lynda Morris, Chair  
City Hall Awareness Committee  
Hamilton Status of Women Sub-Committee



Wheelchair Availability - Free of Charge

Automatic Door to Provide Access for Strollers

Elevators for Customers With Strollers

Multi-Purpose Meeting/Seminar Room - Drop In Centre for Women  
For Example - Talks Can be Given on Child Care, Food and Nutrition

Customer Service Directory With the following Clearly Indicated:

Restroom

Restroom With Baby Change Area

Room Where Mom Can Breastfeed in Private

Elevator

Stroller Accessible Doors

Customer Service Room

Customer Service Board

Information Kiosk

Other:

ing Their

ers With



Please Add Comments or Suggestions:

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Thank you for taking part in this survey. Please return to:

Charlene Coutts, Secretary  
Hamilton Status of Women Sub-Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4



# Public Meeting

on

## The Hamilton Safety Audit

# Making the City Safer for Women

**Thursday November 28, 1991**

2nd Floor • Hamilton City Hall • 71 Main Street West  
**6 p.m.**

... Guest Speaker ...

**Connie Guberman**

Coordinator of Urban Safety Initiatives  
Metro Action Committee on Public Violence  
Against Women and Children (Toronto)

**Wheelchair Access**  
front of building

**Babysitting and Sign Language  
Interpretation Available**

If requested by November 25  
Call 546-3994

## Your Views Matter • Please Join Us

Sponsored by the Outreach and City Hall Awareness Committees of the  
Hamilton Status of Women Subcommittee



5.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 9  
ZA-89-94  
Broughton West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

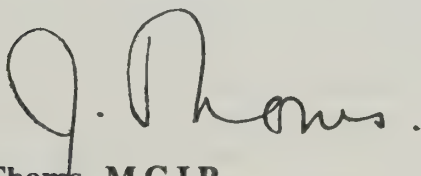
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Condition of approval - No. 820 Rymal Road East.

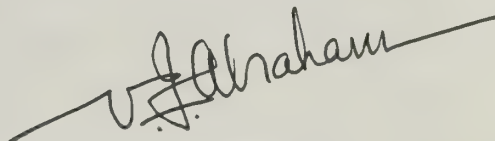
**RECOMMENDATION:**

That the Planning and Development Committee reaffirm its decision of December 13, 1989, as set out under Section 13 of the First Report for 1990, as follows:

- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

- Zoning Application 89-94

At its meeting of December 13, 1989, the Planning and Development Committee approved the subject application for an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a commercial shopping plaza.



Approval of the application was conditional on the following:

- "C. That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

For the information of the Committee, the Planning Department had recommended denial of the application for the following reasons:

- "i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.
- ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan."

City Council at its meeting of January 30, 1990, approved the recommendation of the Planning and Development Committee to allow the application.

- Block "288"

At the rear of the applicant's lands is an irregular strip of land (approx. 200' by 17-19') which is owned by an adjoining property owner, DiCenzo Construction Company Limited (see APPENDIX "B"). The strip of land formed Block "288" (originally known as Block "309") in the "Sandrina Gardens" plan of subdivision, which was draft approved on November 22, 1989. One of the conditions of approval specified that Block "288", among others, be developed only in conjunction with adjoining lands.

In this regard, the adjoining property owner made a submission (see APPENDIX "C") to the Planning and Development Committee at the time the subject application was considered. Consequently, in approving the application the Committee included a condition that both parties negotiate a satisfactory resolution respecting the disposition of Block "288".

- Recovery of Servicing Costs

The Transportation/Environmental Services Group has advised that, generally, any owner abutting a road allowance is responsible for the portion of the costs related to the municipal services installed abutting their lands.



In this instance, a 0.3m reserve is established adjacent to the easterly lot line of the applicant's lands (see APPENDIX "B" - Block "295"). Accordingly, the applicant would be required to pay for his share of the services installed on Street "A" when the lands are developed, regardless of whether or not a driveway access is provided. These costs would be recovered by the City and Region.

With respect to Block "288" (see APPENDIX "B"), DiCenzo Construction would be responsible for paying the servicing costs on Street "B" (see APPENDIX "B"). Consequently, they are attempting to recover the costs for these services, including 1/2 of the roadway, in conjunction with the sale of Block "288".

- Negotiations

By January 1992 both parties appeared to be moving towards an agreement on this matter, and in fact an Agreement of Purchase and Sale was made by a third party to DiCenzo Construction Company Limited. Subsequently, the solicitor for DiCenzo Construction Company Limited forwarded a long form agreement to be registered on title to the prospective purchaser.

However, the parties were unable to finalize an agreement and the applicant's agent requested that this matter be forwarded to the Planning and Development Committee for resolution.

**COMMENT:**

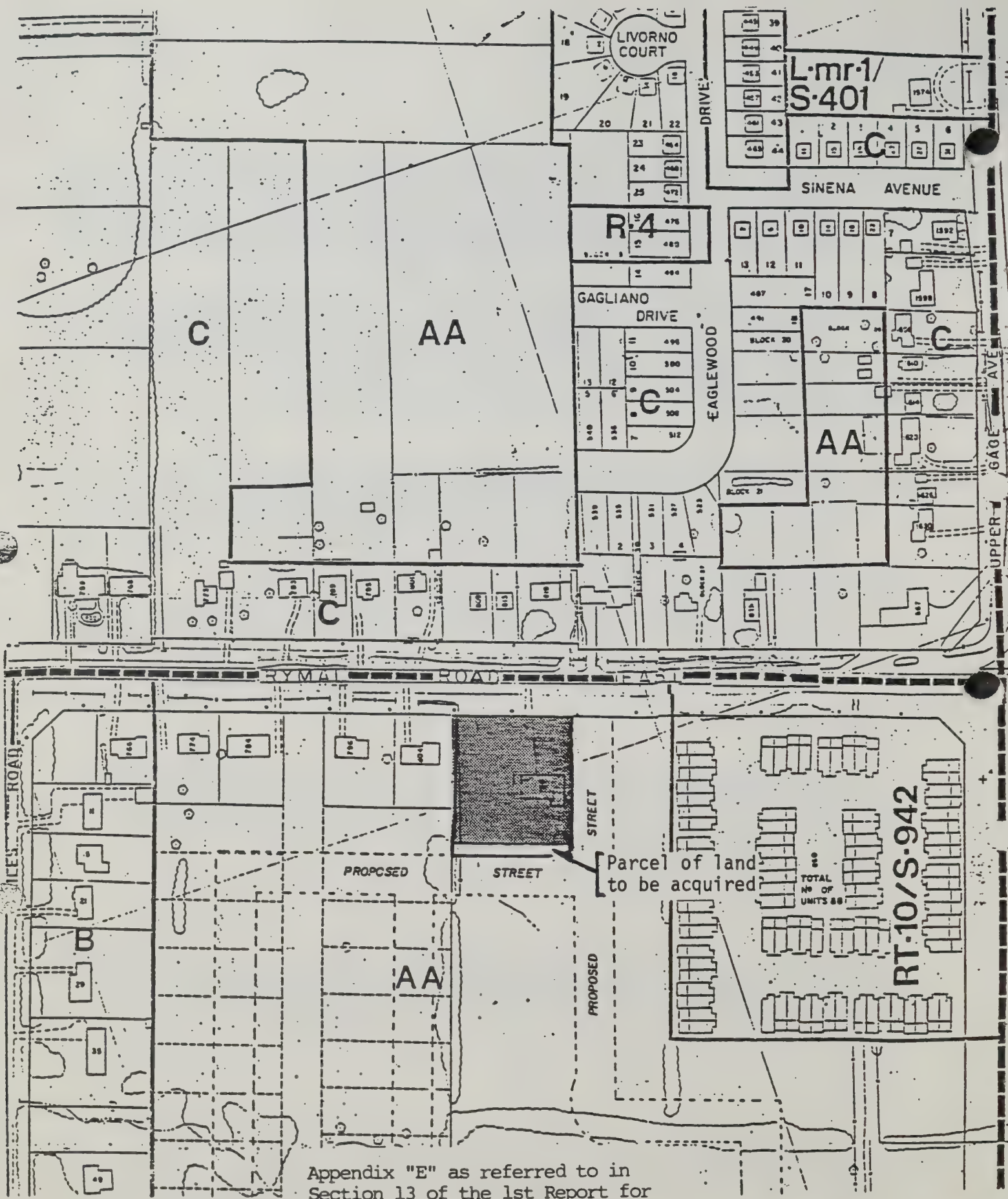
From a Planning perspective, any future development of the applicant's lands (see APPENDIX "A") should incorporate the adjoining remnant parcel of land to the south (Block "288" - APPENDIX "B"). To date, all previous planning considerations (e.g. Neighbourhood Plan, draft plan of subdivision) have provided for this.

**CONCLUSION:**

The Planning and Development Committee should reaffirm its decision of December 13, 1989, to require "...the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

/ma  
ZA8994



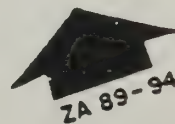


**Legend**



Site of the Application

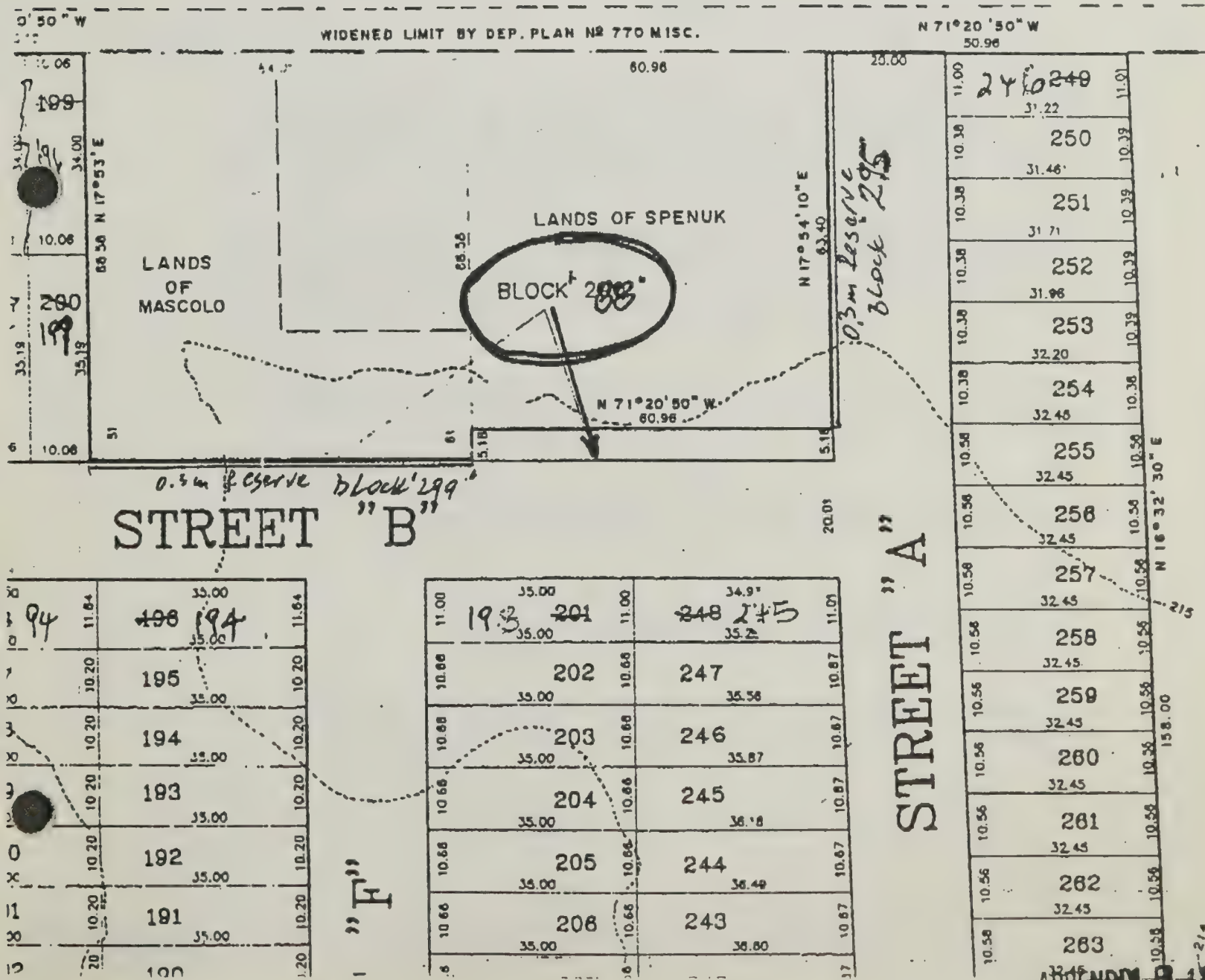
Appendix "E" as referred to in  
Section 13 of the 1st Report for  
1990 of the Planning and  
Development Committee



APPENDIX A



ROAD





# DiCenzo Construction Co. Ltd.

GENERAL CONTRACTORS  
CUSTOM BUILT HOMES



PLANNING & DEVELOPMENT LOCAL PLANNING BRANCH			
File No.	TO	STAFF UNIT	INFO. ACT.
	DIR.		
	P.R. & A.		
	NEIGH.	TEL: 581-3767	
	DEV.	205 QUIGLEY ROAD	
	CLUD.	UNIT #2	
		HAMILTON, ONTARIO	
		L8K 5M8	
	STAT.		
	CART.		
	ADMIN.		

December 6, 1989

Real Estate Department  
City Hall  
Hamilton, Ontario  
L8N 3T4

ATTENTION: MR. MIKE WATSON

Dear Mr. Watson:

We received a change of zoning Application by Mr. J. Spenuk regarding the property at No. 820 Rymal Road East, if this Application is approved I would like to draw your attention to the fact that there are 2 proposed streets next to this property in addition to a strip of land between the street and the property which are owned by DiCenzo Construction. Any costs incurred with regards to half of the proposed streets and the strip of land, including land costs and service costs should be paid by Mr. Spenuk.

Thank you,

A. DiCenzo

cc Paul Mallard, Planning Dept., City Hall ZA-89-94  
cc Mr. Brenner, Engineering Dept., City Hall

Delivered by: Mr. A. DiCenzo  
December 7, 1989.



6.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 13  
ZA-91-72  
Nashdale Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification in zoning - 2371 Barton  
Street East

**RECOMMENDATION:**

1. That approval be given to Official Plan Amendment No. to establish a "SPECIAL POLICY AREA" to permit a grocery store for property municipally known as 2371 Barton Street East, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
2. That approval be given to Amended Zoning Application 91-72, The Barn Fruit Markets Inc., Lessee, for a further modification to the established "JJ" ( Restricted Light Industrial) District regulations to permit a grocery store for property located at 2371 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the "JJ" (Restricted Light Industrial) District regulations as set out under Section 16A of Zoning By-law No. 6593, as amended by By-Law Nos. 69-264 and 80-063, applicable to the subject lands, be further modified to include the following variance as a special requirement:
    - a) That notwithstanding Section 16A(1)(ej) of Zoning By-law 6593, the following uses shall be permitted:
      - 1) a retail grocery store, including an accessory restaurant having a maximum seating capacity of 20 persons, only within the existing building;
  - ii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-128b, and that the subject lands on Zoning District Map E-103 be notated S-128b;
  - iii) That By-law No. 69-264, applicable to the subject lands, be repealed;



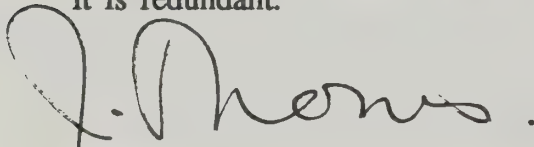
- iv) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council; and,
- v) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.

**EXPLANATORY NOTE:**

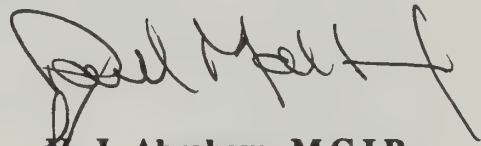
1. City Council will adopt Official Plan Amendment No. for the establishment of a "SPECIAL POLICY AREA", to permit a grocery store, for property municipally known as 2371 Barton Street East.
2. The purpose of the by-law is to provide for a modification to the "JJ" (Restricted Light Industrial) District regulations for land at 2371 Barton Street East, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the existing retail grocery store, including an accessory restaurant having a maximum seating capacity of 20 persons, only within the existing building. Whereas, a retail grocery store having a maximum floor area of 140.0 m<sup>2</sup> (1,500 sq. ft.) is presently permitted.

In addition, the By-law repeals By-law No. 69-264 applicable to the subject lands, as it is redundant.



**J. D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V. J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- By-law No. 69-264

City Council passed By-law No. 69-264 on November 25, 1969, which modified the "JJ" (Restricted Light Industrial) District regulations on the subject lands to permit: a retail store for the sale of furniture, electrical appliances and household goods in accordance with an approved site plan appended to the By-law.



- By-law No. 80-063

City Council, on February 23, 1980, passed By-law No. 80-063 which further modified the "JJ" (Restricted Light Industrial) District regulations on the subject lands to permit: a retail store for the sale of furniture, electrical appliances and household goods; and, a retail store for the sale of produce, fruits and vegetables.

- Orders to Comply

On October 21, 1991 the Building Department issued two "Orders to Comply". One was for "Construction at the above address has commenced without the required permit being issued by the City Official" (see Appendix "B"). This order was issued on the basis of an October 18, 1991 site inspection which revealed a seating area with twenty chairs and a kitchen were being installed in contravention of The Building Code Act, R.S.O., Chapter 52 (as amended). The second Order was for compliance to the Zoning By-law as amended by By-law 80-063 (see Appendix "C").

- Stop Work Order

On October 22, 1991 the Building Department issued an "Order to Stop Work" since the Order of the previous day regarding the Building Code infraction had not been complied with (see Appendix "D").

- Proposal

The applicant is requesting a further modification to the "JJ" District to recognize the existing grocery store (The Barn), including an accessory restaurant having a maximum seating capacity of 20 persons.

#### ***APPLICANT:***

The Barn Fruit Markets Inc., Lessee.

#### ***LOT SIZE AND AREA:***

The subject property has the following dimensions:

- a frontage of 90.86 m (298.1 feet) on Barton Street East;
- a frontage of 101.04 m (331.5 feet) on Kenora Avenue; and,
- a lot area of 0.99 ha (2.27 acres).



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Grocery Store	"JJ" (Restricted Light Industrial) District modified
<u>Surrounding Lands</u>		
to the north	Appliance Repair	"JJ" (Restricted Light Industrial) District
to the south	Variety store, restaurant, laundromat and plumbing store and townhouses	"G" (Neighbourhood Shopping Centre) District modified  "RT-20 (Townhouse -Maisonette) District modified
to the east	Industrial	"JJ" (Restricted Light Industrial) District
to the west	Automotive commercial	"JJ" (Restricted Light Industrial) District

**OFFICIAL PLAN:**

The subject lands are designated **INDUSTRIAL** on Schedule A - Land Use Concept of the Official Plan. The subject lands are also within **SPECIAL POLICY AREA 11** which permits Light Industrial uses. The following policies should be noted:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as **INDUSTRIAL** will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within **INDUSTRIAL** areas:....
- A.2.3.14 The primary uses permitted in this category (Light Industrial) may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the **INDUSTRIAL** designation, subject to the appropriate policies of Subsection B.3."

The proposal does not comply with the Official Plan. If the application is approved, an amendment to the Official Plan would be required to establish a "Special Policy Area" to permit the grocery store use.



**NEIGHBOURHOOD PLAN:**

There is no Neighbourhood Plan for Nashdale Neighbourhood.

**COMMENTS RECEIVED:**

- The Hamilton Region Conservation Authority have no objection to the proposal;
- The Economic Development Department advises that:  

"Please be advised that the Economic Development Department offers no objections to the further modification of the JJ zoned property at the above noted address. This is a long established use at the corner of Barton St. East and Kenora Avenue and the modification should not create any ill-desired repercussions on surrounding businesses."
- Hamilton-Wentworth Engineering Department advises that:  

"There are public watermain and separate storm and sanitary sewers available to service these lands.

We have reviewed our road widening requirements and the applicant should be advised of a 7.62m x 7.62m daylight triangle widening at the north east corner of Barton Street and Kenora Avenue at some future date."
- The Traffic Department advises that:  

"... Please be advised that we have reviewed the above-noted application and have the following comments.

We find the request for modification to the "JJ" district to be satisfactory provided that the requested use pertain to the existing building only. We request that any modification be subject to site plan control...."
- The Building Department advises that:
  - "1. A retail grocery store that has a floor area that exceeds 140 m<sup>2</sup> is not permitted.
  2. This Department has issued two (2) "Orders to Comply" and one (1) "Order to Stop Work" with respect to the following (copy attached):
    - construction without a permit
    - use not permitted.
  3. Our records indicate a restaurant has been established with a seating capacity for twenty (20) persons which is not a permitted use. The Licensing Division of the City Clerk's Department has been notified with respect to the restaurant and the sale of meat and cheese products which contravene the by-laws.
  4. It is recommended to repeal By-laws 69-264 and 80-063 pertaining to the lands. The uses under the by-laws will not be applicable.



5. No site plan has been submitted with this zoning application. A site plan submitted to this Department with the building application indicates that the lands to the north known as 310 Kenora Avenue are also part of the development. It is recommended that the applicant confirm the lands being affected by this zoning amendment.
6. Based on a 3,251.5 m<sup>2</sup> floor area requires a minimum of ninety-one (91) parking spaces and two (2) 3.7 m x 18.0 m x 4.3 m loading spaces."

**COMMENTS:**

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require an Official Plan amendment to establish a "Special Policy Area" to permit a grocery store.
2. Although the Department does not condone the illegal use of buildings or the undertaking of construction without required permits/approvals, the proposal has merit and can be supported for the following reasons:

- the requested use is no less feasible than other uses previously permitted by By-law amendment including, a retail store for the sale of produce, fruits and vegetables; a retail store for the sale of furniture, electrical appliances and household goods.

Furthermore, a retail variety store, a retail grocery store, a confectionary store, and a lunch counter or refreshment stand are permitted provided they do not have a floor area that exceeds 140.0 m<sup>2</sup> (1,500 sq. ft.);

- the existing retail grocery store, which was established as a fruit and vegetable business, has been operating at this location for approximately 12 years and appears to have existed harmoniously with surrounding uses;
- adequate on-site parking is provided (approx. 182 vs. 91 required); and,
- no new development or expansion of the existing building will occur.

However, the proposed uses should be restricted to the existing building only. In this regard, should the lands be redeveloped in the future for such use, the development could be appropriately reviewed with respect to size, parking, access, etc.

Furthermore, By-law No. 69-264 should be repealed as the permitted uses are covered under By-law No. 80-063.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

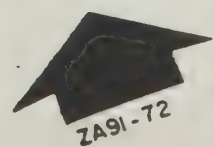




Legend



Site of the Application







# THE CORPORATION OF THE CITY OF HAMILTON

DEPARTMENT OF BUILDINGS

HAMILTON, ONTARIO

FILE NO:

## ORDER TO COMPLY

ISSUED TO	LOCATION
The Barn Fruit Markets Inc.	2371 Barton St. East
The Barn II	HAMILTON, Ontario.
2075 Fairview Street	
Burlington, Ontario L7R 4E8	

TAKE NOTICE THAT THE construction (interior alterations)  
AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	The Building Code Act, R.S.O. 1980, Chapter 51, as amended, Section 5(1)	Construction at the above address has commenced without the required permit being issued by the Chief Official.
		REQUIREMENT TO COMPLY:
		Obtain permit for all construction at the above address.
	cc: Renimmob Properties Ltd. c/o The Effort Trust Co. 242 Main St. East Hamilton, Ontario L8N 1H5	

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION  
ARE HEREBY ORDERED TO COMPLY WITHIN twenty-four (24) hours

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE  
UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL & POSTED ON SITE RECEIVED BY	Oct. 21/91 DATE	N. Gould 546-3978 Inspector	Oct. 21/91 DATE
--	--------------------	--------------------------------	--------------------

PHONE DIRECT 846-2782

FORM 404





THE CORPORATION OF THE CITY OF HAMILTON  
DEPARTMENT OF BUILDINGS  
HAMILTON, ONTARIO

PENDIX C

FILE NO:

# ORDER TO COMPLY

ISSUED TO	LOCATION
Renimmob Properties Ltd.	2371 Barton St. East
c/o The Effort Trust Co.	HAMILTON, Ontario.
242 Main St. East	
Hamilton, Ontario L8N 1H5	

**TAKE NOTICE THAT THE USE**

AT THE ABOVE LOCATION IS IN CONTRAVENTION OF THE ACT(S)/REGULATION(S)/BY-LAW(S) AS OUTLINED BELOW:

ITEM	REFERENCE	DESCRIPTION
1.	City of Hamilton Zoning By-Law 6593 Section 16A(1) as amended by ByLaw 80-063	No building or structure or part thereof shall be used except in accordance with the "JJ" District provisions subject to the special requirements referred to in Section 1 of By-Law 80-063.
		<b>REQUIREMENT TO COMPLY:</b>
		Cease the uses not listed as permitted in Section 16A(1) of By-Law 6593 and Section 1 of By-Law 80-063 or legalize the use.
	cc: The Barn Fruit Markets Inc. The Barn II 2075 Fairview St. Burlington, Ont. L7R 4E8	

AND TAKE NOTICE FURTHER THAT YOU AS THE OWNER/CONSTRUCTOR/OR PERSON APPARENTLY IN POSSESSION ARE HEREBY ORDERED TO COMPLY ~~FORWARD~~ WITHIN FOURTEEN (14) days

AND TAKE NOTICE FURTHER THAT IN DEFAULT OF COMPLIANCE WITH THE FOREGOING, YOU WILL BE LIABLE UPON CONVICTION, TO THE PENALTIES PROVIDED BY THE SAID ACT/REGULATION/BY-LAW

REGISTERED MAIL & POSTED ON SITE RECEIVED BY	Oct. 21/91 DATE	N. Gould 546-5978 Inspector	Oct. 21/91 DATE
--	--------------------	--------------------------------	--------------------

PHONE DIRECT 546-2782  
8 AM - 5 PM

FORM 004  
200 BUSINESS FORMS INC.





THE CORPORATION OF THE CITY OF HAMILTON  
BUILDING DEPARTMENT, CITY HALL, 3RD FLOOR, 71 MAIN STREET WEST, HAMILTON, ONTARIO, L8N 3T4

# ORDER TO STOP WORK

ISSUED TO:

The Barn Fruit Markets Inc.  
The Barn II  
2075 Fairview Street  
Burlington, Ontario L7R 4E8

LOCATION:

2371 Barton St. E.  
HAMILTON, Ontario

The construction at the above location

IS HEREBY ORDERED STOPPED by the Chief Official pursuant to the provisions of The Building Code Act, R.S.O. 1980, Chapter 51, as amended, Section 8(5), because the Order issued October 21, 1991 by Inspector Natalie Gould has not been complied with.

ALL PERSONS SHALL CEASE, DESIST FROM AND STOP WORK AT ONCE EXCEPT TO MAKE SAFE, and such work as necessary to comply with the above Order of the Inspector dated October 21, 1991.

Dated at Hamilton this 22nd day of October, 1991.

.....  
Chief Building Official  
of The Corporation of the  
City of Hamilton

NOTE: "Penalties quoted in Section 24 of the Building Code Act, include maximum fines of \$2,000.00 for individuals, \$10,000.00 for Corporations and in addition to above, a maximum \$100.00 per day for non compliance of an Order made by the Chief Official".

Inspector: Natalie Gould  
12e

546-3903

APPENDIX D



6.(a)  
"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 18"

M E M O R A N D U M

MAR 09 1992

March 5, 1992

To: Planning Department - City of Hamilton


Reference: 2371 Barton Street East  
File ZA91-72 SEQ 0021

The proposed use of the property will not significantly change, however a review of the entire area between Hwy #20 and Nash Road should be made.

The current JJ zoning is not realistic in view of the commercial nature of the area on the north side of Barton Street, and changes should be made to the Official Plan and the Zoning Bylaw to reflect the present and anticipated uses for the properties in this area.

Yours very truly,

CHAMBERS & COMPANY LIMITED



Bruce S. Law

BSL:cjt







# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 March 11  
 ZA-91-73 and 25T-88037  
 Chappel West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
 Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
 Commissioner of Planning and Development

**SUBJECT:** Request for a change in zoning - property located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street.

### RECOMMENDATION:

That approval be given to Zoning Application 91-73, Benemar Construction Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-family detached dwellings, for lands located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

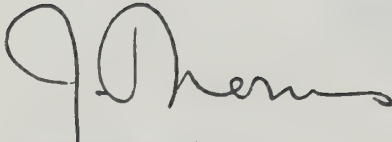
- i) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-18E for presentation to City Council;
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

### EXPLANATORY NOTE:

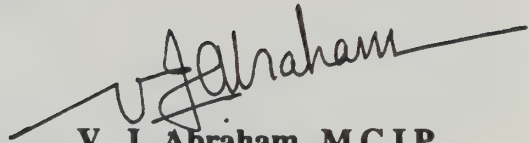
The purpose of the By-Law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District for lands located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map.

The effect of the By-Law is to permit future development for seventy (70) "small lot" single-family detached dwellings.





**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- **Proposal**

The purpose of the application is to permit development of the subject lands for 70 small lot single-family detached dwellings (see APPENDIX "B").

- **Zoning Application 91-21**

On July 24, 1991, the Planning and Development Committee denied zoning application 91-21 which proposed changes in zoning of the subject lands from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District and "RT-20" (Townhouse - Maisonette) District. City Council at its meeting held on July 30, 1991 adopted the recommendation of the Planning and Development Committee.

- **Draft Plan Approval**

The draft plan of subdivision (file 25T-88037) "The Gardens of Rymal" was approved by the Region on March 1, 1990, and provides for a total of 112 "C" zoned single-family dwelling lots.

***APPLICANT:***

Benemar Construction Inc., owner.

***LOT SIZE AND AREA:***

The lands, comprising 7.58 ha, are located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street.



**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant and lands under construction	"DE" (Low Density Multiple Dwellings) District
to the south	vacant lands and a hydro power line corridor	"A" (Agriculture) Zone (Township of Glanbrook)
to the east	vacant	"AA" (Agricultural) District, and "RT-20" (Townhouse - Maisonette) District, modified

**OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan of the Official Plan and subject to the following policies, among others:

- "A.2.1.1     The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of development together.
- A.2.1.8     It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- C.7.2     Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value."

The proposal does not conflict with the intent of the Official Plan.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "SINGLE AND DOUBLE RESIDENTIAL" on the approved Chappel West Neighbourhood Plan. The proposal complies.



**COMMENTS RECEIVED:**

- The Building Department has advised that:

"1. All lot widths and lot areas shall conform to Section 9A(2)(c) of By-law 6593".

- The Traffic Department has advised that:

"..we have reviewed the above-noted application and find it satisfactory. However, we have the following comments in regard to the subdivision plan submitted with this application.

The applicant should be advised that access to lots 66 to 75 should be via street "F" and access to lots 98 to 101 should be via street "C" instead of Upper Wentworth Street.

We recommend that access to lot 83 be from street "E" only and that the driveway be located on the extreme west side of the lot.

It is our understanding that the intersection of Upper Wentworth Street and street "E" will, in future, be signalized. We prefer that the lots on the north side of street "E" be developed as large lots to minimize the number of access points close to the signal."

- The Hamilton Wentworth Transportation/Environmental Group - Roads Department has advised that:

"There are external watermains and separate storm and sanitary sewers available to service these lands. Internal servicing, road requirements, etc. will be dealt with under the draft plan of subdivision for the "Gardens of Rymal"."

- TransCanada Pipelines has advised that:

"The proposed development is immediately north of the Ontario Hydro power corridor within which TransCanada operates two natural gas pipelines. Our northern-most pipeline is approximately 200 feet from the north limit of the hydro property. Therefore the proposed development should not physically affect our facilities.

As TransCanada has installed heavy wall pipe at this location, the development should not affect our class location requirements. Our only comment would be to ensure that the developer is aware that all crossings of the right-of-way by roads, services or utilities must first be authorized by TransCanada Pipelines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision".

- The Hamilton Region Conservation Authority has no comments or objections.



**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Chappel West Neighbourhood Plan which designates the subject lands for "SINGLE AND DOUBLE RESIDENTIAL" use.
3. The proposal would have the effect of increasing the number of single-family dwelling lots by 20 (112 lots draft approved plan vs. 132 lots revised plan).
4. The proposal has merit and can be supported for the following reasons:
  - it implements the intent of both the Official Plan and the approved Chappel West Neighbourhood Plan;
  - it would be compatible with existing and future planned development in the surrounding area, comprised of single-family dwellings, townhouses and a small park to the west, north and east respectively;
  - it provides for a greater variety of residential types, styles and densities within this area.
5. Under the requested "R-4" District regulations, the side yard that abuts any other residential district must be of a width of not less than 1.2 metres (3.94 feet).

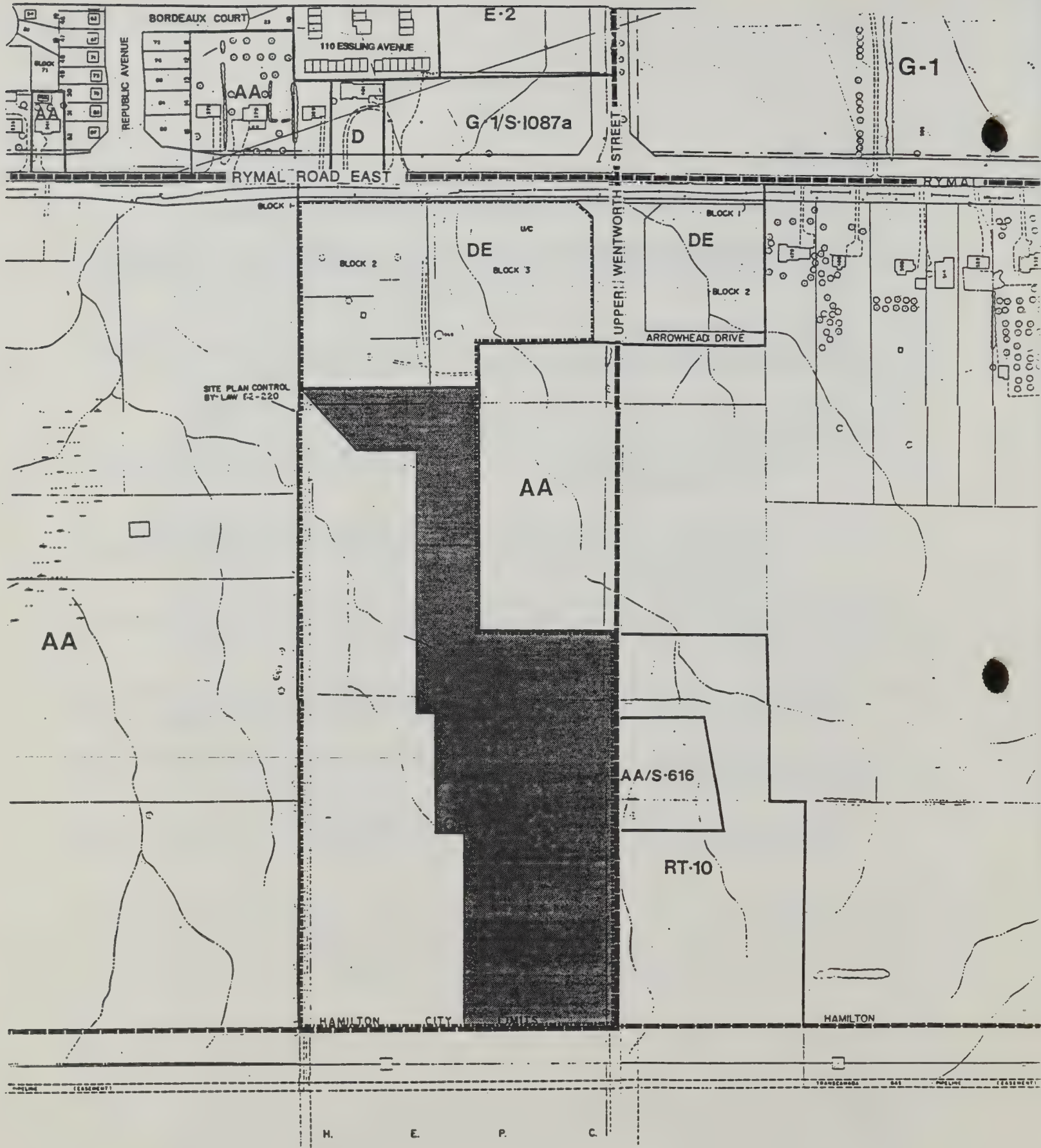
The applicant should be aware that the "R-4" development requires maintenance easements for the "zero" side yard.
6. Approval of the application would require a "red line revision" to the draft approved plan of subdivision prior to its registration.

**CONCLUSION:**

On the basis of the foregoing, the application can be supported.

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ZA9173

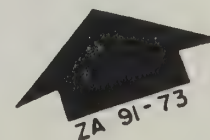




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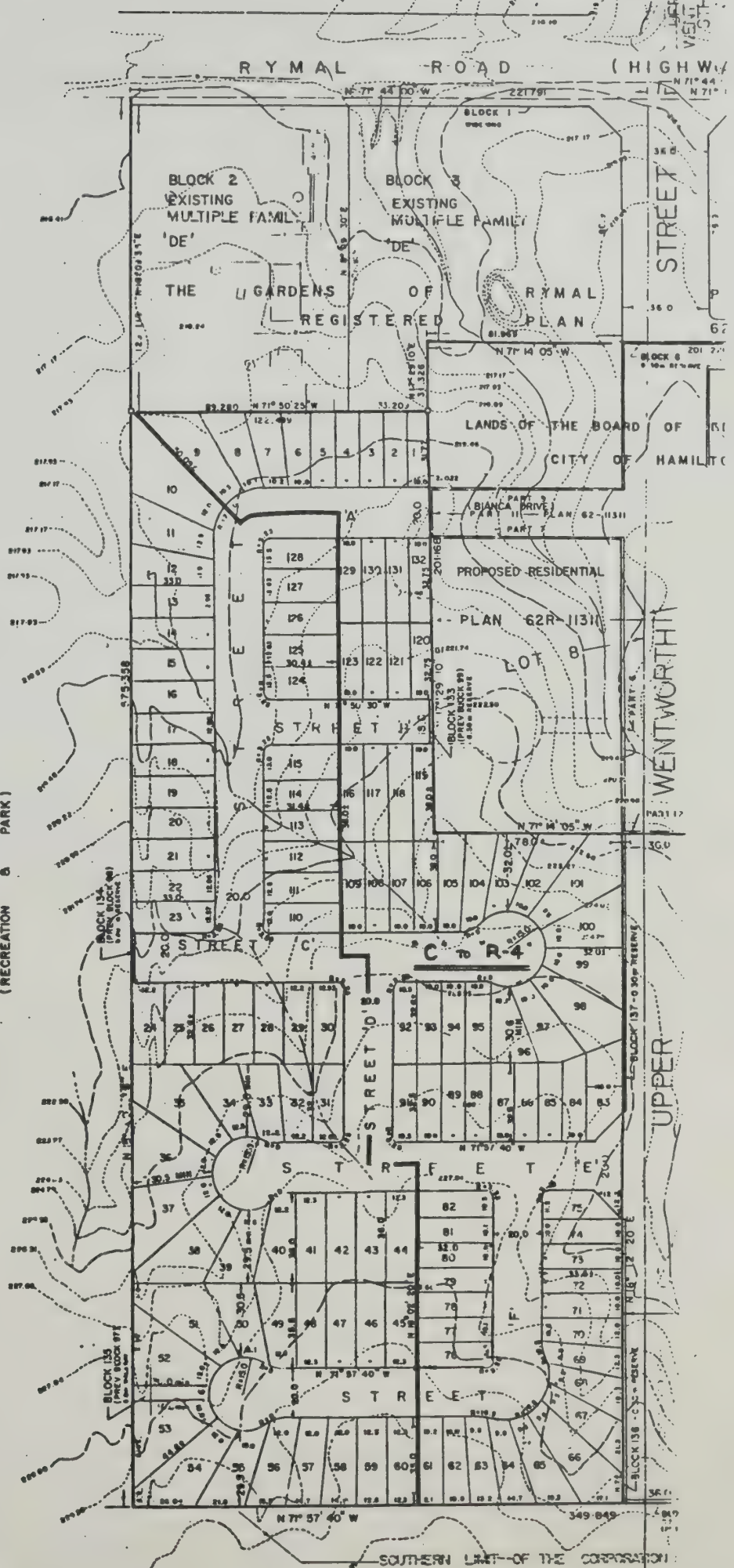


Site of the Application





CORPORATION OF THE CITY OF HAMILTON  
(RECREATION & PARK)









"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

7.(a)



## TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.  
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

March 13, 1992

Secretary  
Planning and Development Committee  
The Corporation of the City of Hamilton  
City Hall  
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

**Re: Zoning Application 91-73**  
**Applicant: Benemar Construction Inc.**  
**South of Rymal Road East and West of the proposed**  
**extension of Upper Wentworth Street**  
**TCPL File: SD170, MLV 208A + 7.2 to 7.7**

On March 3, 1992 we received your notice of the public meeting for the above application.

The proposed development is immediately north of the Ontario Hydro power corridor within which TransCanada operates two natural gas pipelines. Our northern-most pipeline is approximately 200 feet from the north limit of the hydro property, therefore the proposed development should not physically affect our facilities.

As TransCanada has installed heavy wall pipe at this location, the development should not affect our class location requirements. Our only comment would be to ensure that the developer is aware that all crossing of the right-of-way by roads, services, ramps or utilities must first be authorized by TransCanada PipeLines. The crossing applicant will be required to sign TransCanada's standard crossing agreement. This agreement will be binding upon subsequent owners of the roads, services, ramps or utilities. Crossing approval is required prior to final registration of the subdivision and before the commencement of any work within the subdivision.

Thank you for keeping us informed of development near our facilities. If you have any questions, please call me at (403) 267-8747 or Fraser Mowat at (403) 267-8750.

Yours truly,

Janice Lattin  
Technical Assistant  
Right-of-Way

cc: Fraser Mowat







8.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** March 12, 1992  
ZA-91-78  
Kirkendall North Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change and modification in Zoning - No.  
322-330 Charlton Avenue West.

**RECOMMENDATION:**

That approval be given to Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Block "2", to permit the development of the subject lands for a four (4) storey, 29 unit apartment building and parish hall, for the property located at 322-330 Charlton Avenue West, shown as Block "1" and Block "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District;
- ii) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-Law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 11B(2)(ii) of Zoning By-Law No. 6593, no building or structure shall exceed four (4) storeys or 14.0 m in height;
  - b) That notwithstanding Section 11B(5) of Zoning By-Law No. 6593, no building or structure shall exceed a maximum gross floor area of 2206.0 m<sup>2</sup> and twenty-nine (29) dwelling units;
  - c) That Section 11B(3)(i)(b) of Zoning By-Law No. 6593 shall not apply within 46.0 m of the easterly lot line of Block "2", however a minimum front yard depth of 4.3 m shall be provided and maintained for the remaining lot frontage;
  - d) That Section 11B(3)(ii)(b) of Zoning By-law No. 6593, shall not apply to the easterly lot line;



- e) That notwithstanding Section 11B(6) of Zoning By-law No. 6593, a minimum landscaped area of 406.0 m<sup>2</sup> shall be provided and maintained on the lot;
  - f) That notwithstanding Section 18A(1)(a) of Zoning By-Law No. 6593, not less than twelve (12) parking spaces shall be provided and maintained on the lot;
  - g) That Section 18A(1)(c) of Zoning By-law No. 6593, shall not apply;
  - h) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a 1.0 m portion of the required 6.0 m parking space length may be raised;
  - i) That Section 18A(11)(a) of Zoning By-law No. 6593, shall not apply to the westerly lot line;
  - j) That Section 18A(25) of Zoning By-law No. 6593, shall not apply;
- iii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
    - a) That Section 14(3) of Zoning By-law No. 6593, shall not apply to the existing church only;
  - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W13 be notated S- ;
  - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W13 for presentation to City Council;
  - vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - vii) That the approved Kirkendall North Neighbourhood Plan be amended by redesignating Block "1" from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS".

**EXPLANATORY NOTE:**

The purpose of the By-Law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwelling, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Block "2", for the property located at 322-330 Charlton Avenue West, shown as Blocks "1" and "2" on the attached map.

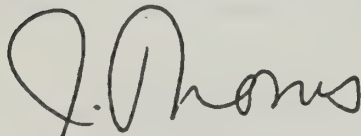
The effect of the by-law is to permit the development of the subject lands for a four (4) storey, twenty-nine (29) unit, apartment building and parish hall which will be physically connected to the existing church.



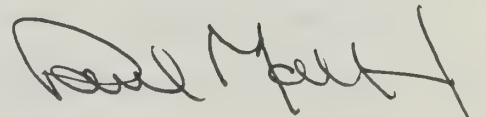
In addition, the By-law provides for the following variances as special requirements associated with the "E-2" (Multiple Dwelling) District (Block "1"):

- Restricts the building to a maximum gross floor area of 2206.0 m<sup>2</sup>, twenty-nine (29) dwelling units, and four(4) storeys or 14.0 m in height;
- Eliminates the front yard setback requirement for a portion of the proposed building whereas 7.5 m is required;
- Eliminates the easterly side yard setback requirement whereas 1.5 m is required;
- Requires a minimum 406.0 m<sup>2</sup> landscape area whereas 387.5 m<sup>2</sup> is required;
- Permits twelve (12) parking spaces whereas thirty-seven (37) are required;
- Permits a 1.0 m portion of the required parking spaces to be raised whereas the entire 6.0 m length is required to be level;
- Permits the boundary of the parking area and access driveway to abut the westerly lot line whereas a 1.5 m and 3.0 m distance separations are required, respectively.

Furthermore, the By-law also provides for a variance to the "H" (Community Shopping and Commercial, etc.) District (Block "2"), to recognize the established yard setbacks for the existing church.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

• Proposal

The applicant has applied to construct a four (4) storey apartment building, containing twenty-nine (29) dwelling units ( i.e. - 21 units for the physically disabled - visually and/or hearing impaired, and paraplegic, and 8 units for seniors), and a parish hall (located in the basement), which will be physically connected to the existing church. The existing parish hall, damaged by fire, will be demolished (See Appendix "C").



- Neighbourhood Meeting

On February 27, 1992 a neighbourhood information meeting was held to discuss this rezoning application. In attendance were the Ward Alderman, a staff member from the Planning and Development Department, a staff member from Traffic Services, and residents of the area. The residents' concerns included servicing, fire access, building design and setbacks, and the number of parking spaces provided.

**LOT SIZE AND AREA:**

- 76.193 m (249.79 ft.) of lot frontage on Charlton Avenue West;
- 39.337 m (129.05 ft.) of lot depth; and,
- 2 224.35 m<sup>2</sup> (23,943.487 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant Fire Damaged Parish Hall, Residential, and Church	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north, south, west	Residential and Commercial	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District
to the east	Commercial	"H" (Community Shopping and Commercial, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated **RESIDENTIAL and COMMERCIAL** on Schedule A - Land Use Concept of the Official Plan. The existing church site (Block "2") is designated **COMMERCIAL**. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as **COMMERCIAL** will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be



permitted within **COMMERCIAL** areas provided that they have been designated in the Neighbourhood Plan:

- ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan."

The proposal does not conflict with the **COMMERCIAL** designation.

The remainder of the site (proposed housing development and parish hall - Block "1") is designated **RESIDENTIAL**, the following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as **RESIDENTIAL** will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated **RESIDENTIAL**, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
  - ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all **RESIDENTIAL** areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the **RESIDENTIAL** character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family **RESIDENTIAL** development, Council will be satisfied that the following considerations are met:
  - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new **RESIDENTIAL** areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of **RESIDENTIAL** amenity:



- i) Provision and maintenance of adequate off-street parking;
- iii) Improvement and maintenance of street landscaping;
- viii) Other similar actions or matters as Council may deem appropriate.

C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
- vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."

The proposal does not conflict with the *RESIDENTIAL* designation. It should be noted that the parish hall would be considered an institutional use and would be permitted under policy A.2.1.3 ii).

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "Civic and Institutional" (Church - Block "2"), and "Single and Double Residential" (No. 322 Charlton Avenue West and the Parish Hall - Block "1") on the approved Kirkendall North Neighbourhood plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "MEDIUM DENSITY APARTMENTS" for the portion of the development within Block "1".

#### ***RESULTS OF CIRCULARIZATION:***

- The Hamilton Region Conservation Authority has reviewed the above-mentioned proposal and does not have any objection.



- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

In the absence of any details shown, we advise any works which may occur within the Charlton Avenue West road allowance must conform to the City's Street By-law. Any removal or planting of trees within the road allowance requires the approval of the Public Works Department.

We recommend that the subject lands, if approved, be developed through site plan control. At that time we will provide more detailed comments on setbacks, grading, landscaping, fence locations, etc.

According to our records, the alley to the rear of the subject lands is public assumed."

- The Traffic Department has reviewed the application and has forwarded the following comment:

"It is our understanding that the 29 unit proposal will accommodate a mixture of seniors, low income families and special needs persons. The plan indicates that 12 parking spaces will be provided for the 29 units whereas 37 parking spaces are required by the Zoning By-law:

We have attempted to study the parking needs of similar facilities but have insufficient sample size with which to draw a conclusion. If the applicants have the ability to restrict tenants of the project, either economically or directly, then they would have the power to ensure that the proposed 12 parking spaces would be sufficient. If the applicants are unable to exercise this type of control, we are not in a position to advise if the proposed 12 spaces will be adequate.

The committee should be aware that if the proposed play area were to be eliminated, approximately 5 additional parking spaces could be provided on-site".

- The Building Department has reviewed the application and has forwarded the following comments:

"1. Charlton Avenue West is considered the front lot line. The lot line adjoining the alleyway is the rear lot line and all other lot lines are sides.

2. The following are the minimum yards:

Front Yard:	7.5 m
Side Yards:	3.0 m (Church-East)
	1.5 m (Multiple Dwelling-East)
	1.5 m (West)
	6.11 m (Church-North)
Rear Yards:	10.61 m



The front, side east (multiple dwelling), and side north yards are insufficient.

3. The maximum gross floor area and the minimum landscape area shall be based on the lot area within the E-2 District.
4. It would appear that the gross floor area exceeds the maximum permitted and the minimum landscape area will not be provided within the district.
5. A 29 unit multiple dwelling requires a minimum 37 parking spaces and one (1) 3.7m x 9.0m x 4.3m loading space.
6. The entire parking areas shall be levelled (no raised portions).
7. A 1.5m planting strip is required between the parking area and the residential district to the west.
8. The access driveway shall be at least 3.0m from the residential district to the west.
9. A visual barrier is required along the lot line abutting the residential district to the west.
10. According to our records, the existing church is on the road allowance of Charlton West and may require an encroachment agreement with the Regional Engineering Department.
11. No portion of the proposed building shall be over the lot line at the front or side.
12. Demolition approval of the existing residential building, by the Planning and Development Committee, under the Demolition Control By-law is required."

**COMMENTS:**

- 1) The proposal does not conflict with the intent of the Official Plan. However, the proposal conflicts with the intent of the approved Kirkendall North Neighbourhood Plan. Approval of the application would require a redesignation to "Medium Density Apartments" on the approved Neighbourhood Plan for Block "1".
- 2) The proposed twenty-nine (29) unit apartment building (multiple-dwelling) and parish hall has merit and can be supported for the following reasons:
  - i) it is an infill housing project which will contribute to a desirable housing mix within close proximity to the downtown, shopping facilities, public transit, medical offices, and other amenities;



- ii) it will increase the supply of affordable housing for special needs groups, by providing 21 units for the physically disabled (i.e. - visually and/or hearing impaired, and paraplegic), and 8 units for seniors;
  - iii) the proposed development will integrate and be sensitive to the adjoining residential development in terms of height, bulk, and arrangement.
- 3) Based upon a preliminary site plan, approval of the application would require the following variances:

- Density

The proposed apartment building and parish hall will have a gross floor area of 2206.0 m<sup>2</sup> whereas 1844.5 m<sup>2</sup> is permitted. In this regard, the floor area ratio (F.A.R.) would be 1.42 and the maximum permitted under the "E-2" district regulations is 1.19.

The preliminary floor plans indicate that the slightly higher density requested is partly attributed to the provision of storage areas within each unit (40.72 m<sup>2</sup> total), which normally would be contained in the cellar, and would not be reflected in the F.A.R. However, due to the design of the building and the desire to provide a parish hall within the cellar, storage areas cannot be provided within the cellar.

Thus, on the basis of the above-mentioned, the increase in density is considered to be minor in nature and can be supported.

- Yards

The front yard setback will be eliminated along the southerly lot line within 46.0 m of the easterly lot line of Block "2", and a minimum 4.3 m front yard setback will be provided for the remaining 30.19 m along the southerly lot line, whereas the by-law requires 7.5 m minimum. The existing church presently has no setback from the southerly lot line and the 4.3 m setback would place the bulk of the proposed building in line with the front yard setback of the adjacent single family dwelling. Therefore the proposed front yard setbacks facilitate a building arrangement that integrates with the surrounding built environment. The side yard requirement will be eliminated along the easterly lot line of Block "1" in order to facilitate a physical connection between the existing church and the proposed building. It also allows a greater separation between the proposed building and the adjacent single-family residential dwellings to the west.



A side yard width of 1.07 m minimum exists along the northerly lot line adjacent to the church whereas the by-law requires 6.11 m minimum. Thus, a variance is necessary to recognize the insufficient yard which has resulted from Charlton Avenue West being considered the front lot line for the new proposal whereas previously Lock Street was considered the front lot line for the church.

The above-mentioned variances related to yards are considered to be minor in nature and can be supported.

#### • Parking and Loading

Twelve (12) parking spaces will be provided on site whereas the by-law requires thirty-seven (37) parking spaces (1.25 spaces x 29 units). The applicant has suggested the following parking calculations which are geared towards their specific user groups (see Appendix "B"):

	<u># of Units</u>	<u>Rate</u>	<u>Spaces Proposed</u>
• one (1) & two (2) bedroom unit (physically disabled) -	21	.20	5
• one (1) bedroom unit (seniors apartment) -	<u>8</u>	.33	<u>3</u>
• <b>Total</b> -	<u>29</u>		<u>8</u>

Thus, based upon the specific user groups the applicant suggests that eight (8) parking spaces would be sufficient. However, to insure that adequate parking is available they will provide twelve (12) parking spaces on the lot.

The applicant has also provided statistics, for other similar projects within the City of Hamilton, which suggest that when parking has been provided at the rate required as per the Zoning By-law, it is usually under utilized.

The Traffic Department has reviewed the application and other similar projects within the City, and have advised that the sample size was insufficient upon which to draw any conclusions with respect to parking calculation for this proposal. However, they have suggested that if the applicant has the ability to restrict tenants of the project, they would have the power to ensure that the proposed 12 parking spaces would be sufficient.

Given the nature of the project (i.e. - 72% of the units geared towards the physically disabled - visually and/or hearing impaired, and paraplegic, and 28% of the units for seniors), the reduction in parking is supportable.

The parking spaces will have a 1.0 m raised overhang within the 6.0 m parking space length whereas the by-law requires the entire 6.0 m length to be level. This variance will facilitate an integrated parking stall design, eliminating the need for a separate bumper/curb stop. Since the variance is site specific and design related, it is considered to be minor in nature.



The boundary of the parking area and the access driveway will be 0.0 m from the westerly property line whereas the by-law requires a 1.5 m and 3.0 m minimum distance separation, respectively. These variances are necessary to provide a two-way access, and ultimately a greater distance separation between the proposed building and the adjacent single-family residence. However, it should be noted that a 1.8 m to 2.0 m visual barrier (i.e. wood fence) will be required along the westerly lot line, abutting the residential district.

The preliminary site plan does not provide for a loading space whereas the development requires one small loading space. It is the applicant's intention to have infrequent loading and unloading at curb side in front the church. It is anticipated that smaller delivery and moving vans will access the building by-way-of the parking area provided at the rear of the building.

The Traffic Department has verbally advised that on-street parking is presently not permitted in front of the church. Thus, should this area be designated as a loading zone, it would not reduce the amount of on street parking presently available in the area.

The above-mentioned variances related to parking and loading are considered to be minor in nature and can be supported.

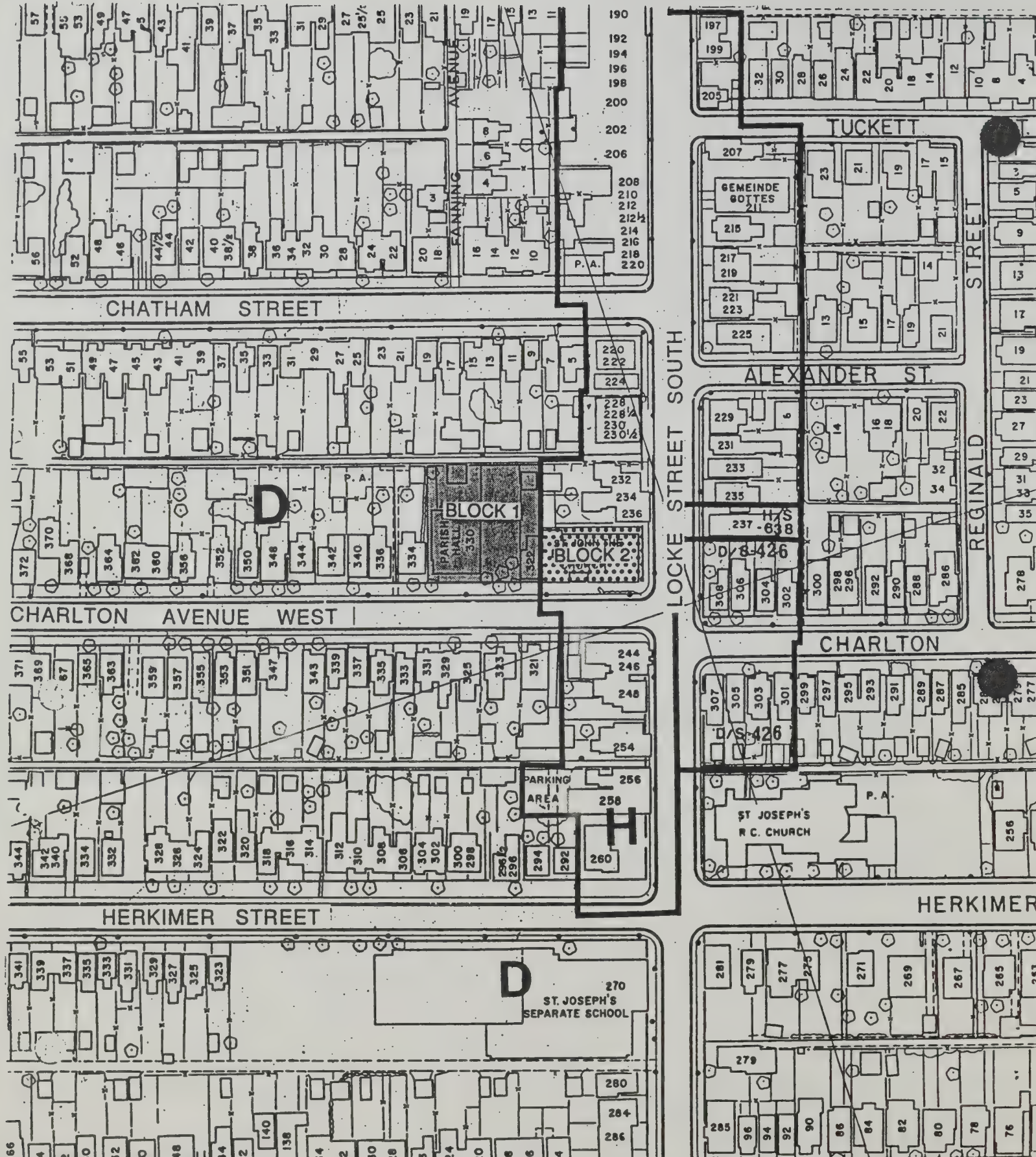
- 4) The "E-2" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-233. In this regard, concerns related to building design, landscaping, parking arrangement, access, and encroachments will be addressed at that stage of development.
- 5) The applicant should be advised that an application to the Planning and Development Committee will be required for demolition approval of the existing building.

#### **CONCLUSION:**

Based on the foregoing, the proposal can be supported.

JL/ma  
WPZA9178





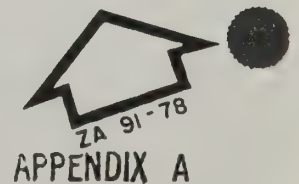
### Legend



Proposed change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, Modified.



Modification to the "H" (Community Shopping and Commercial, etc.) District.



APPENDIX A



# ARTABAN Non-Profit Homes Inc.

320 CHARLTON AVE. W.

HAMILTON, ONT. L8P 2E7

---

12 March 1992

Mr. Paul Mallard  
Planning Department  
City of Hamilton  
City Hall  
Hamilton Ontario

Dear Sir:

Re: Application for Zoning Change  
322-330 Charlton Ave. West

We are pleased to give you our expectation concerning the tenant mix for the proposed facility.

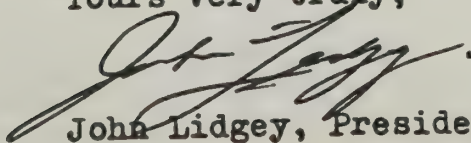
Based on our need and demand studies, requests to be added to our waiting list and consultation with local agencies serving the disabled, we expect that actual occupancy of the 29 available units will be 21 units occupied by disabled tenants and 8 units occupied by seniors.

We have 11 units designed as wheelchair accessible, one of which is a two-bedroom apartment. All the remaining units are one-bedroom except for three two-bedroom units included in the anticipation that some pairs, because of physical or other circumstance, would require separate sleeping accomodation.

We have in hand current agency requests for 5-6 units for sight impaired, 6-7 units for hearing disabled, and 21 units for paraplegics. In addition, we have on hand seniors' accomodation requests at about 300% of our anticipated occupancy of seniors. Of the twenty-one units we expect to be occupied by various disabled tenants, we will be able to accomodate 11 paraplegics and allocate 5 units each to sight and hearing disabled tenants. We expect that the remaining 8 units will be taken up by seniors anxious to move into our facility.

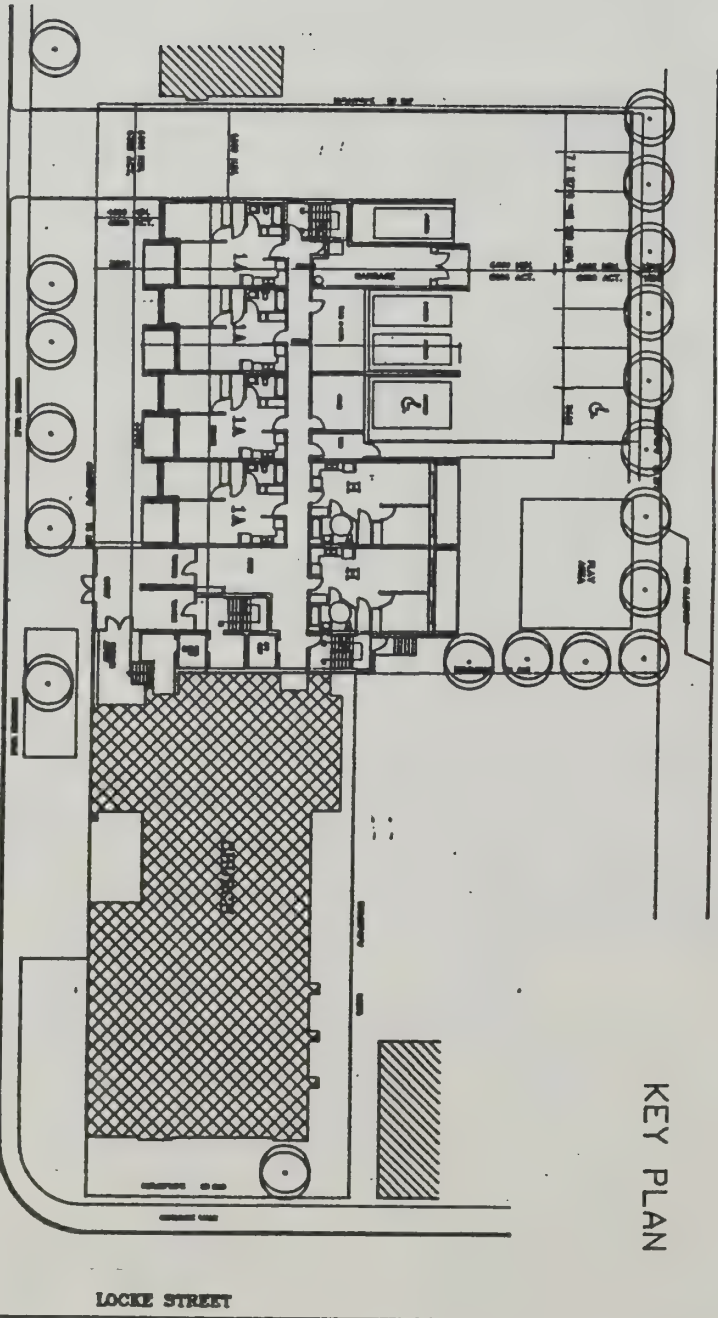
While actual occupancy will be subject to circumstances prevailing when the facility is opened, we are satisfied on the basis of our present information that our expectation of actual occupancy is reliable and realistic.

Yours very truly,

  
John Lidgely, President.

APPENDIX B





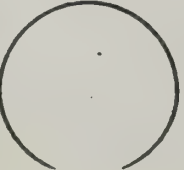
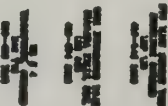
KEY PLAN

SITE DEVELOPMENT DETAILS

	EXIST. CHURCH	PRDP. APT. BLDG	TOTAL
NET LOT AREA	-	-	2 224.35 m <sup>2</sup>
BUILDING COVERAGE	481 m <sup>2</sup>	665 m <sup>2</sup>	1 061 m <sup>2</sup>
GROSS FLOOR AREA	481 m <sup>2</sup>	1 970 m <sup>2</sup>	2 451 m <sup>2</sup>
BUILDING HEIGHT	14.0 M	14.8 M - 4 STDR.	14.8 M / MAX.
NO. OF UNITS	-	29	29
NO. OF PARKING SPACES	-	12 HDL	12 HDL
PAVED AREA	-	-	539 m <sup>2</sup>
LANDSCAPED AREA	-	-	684 m <sup>2</sup> (27.20)

SITE PLAN SCALE 1:200

UNITS			
2 BEDROOM	4	PARKING 6.25 = 3	
1 BEDROOM	13	PARKING 8.25 = 5	
1 BEDROOM UNDEVELOPED	16	PARKING 8.25 = 8	
TOTAL	29		12



DATE: 10/10/03
BY: E.S. W.
SCALE: 1:200
DATE: 06-15-04
BY: [Signature]



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 18"

8. (a)

MAR 05 1992

ZA-91-78  
MAR 06 1992

ZA91-78

231 Locke St. S.

Hamilton, Ontario

L8P 4B8

March 4, 1992

Dear Secretary:

Re. Property at 320-330 Charlton W.

I oppose to a change in the zoning from "D" to "E-2" mainly because of the parking situation.

Twelve parking spaces to be provided leaves seventeen spaces (approximately) to be found. It is already crowded now and to add to it would be devastating. A "Pub" has been opened on Locke at the end of 1991 + most evenings parking is taken up from Charlton to Melbourne Street.

The only alternative would be to open up parking both sides of Locke + for overnight.

Thank you.

Maryl. Campbell.







It is opposed to the amended application because there is already a parking problem in this area, so twelve parking spaces to accommodate a 29 unit building is absolutely ridiculous.

MAR 09 1992

Received from:

Misener Yvonne Gwendolyn  
Misener Christopher Lloyd  
294 Herkimer Street  
Hamilton, Ontario  
L8P 2J1

2A91-78







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

MAR 1 1992

8.(c)

ZA-91-78

March 10, 1992

City of Hamilton  
Zoning Department  
71 Main St. West  
Hamilton, ON  
L8N 3T4

To Whom It May Concern:

As tax payers and residents of 400 Charlton Ave. West, we strongly appose the rezoning of the property on Charlton near Locke St.

Our neighbourhood is very strongly family orientated and we feel a rezoning of this area would damage the community.

We plan to voice our concerns and opposition at the next meeting concerning this issue.

Sincerely,

*Robin Barker*

*Pete Barker*

Peter & Robin Barker  
Residents  
400 Charlton Ave. West







March 11/92

To Whom it may Concern

We are stingily opposed to the application for rezoning at 330 Charlton Avenue West. Inadequate off-street parking, increased traffic on an already overburdened street as well as a request for 7 variances on the application are but 3 of our major concerns.

Bernard Dyer  
Annette Hitchcock

ZA-91-78

380 Charlton Ave. W.







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8.6)

March 7/92

To whom it may concern:

We do not wish to see  
the application for re-zoning for  
Choulton and Locke Sts. accepted.

394 CHARLTON W Alderman Glendenning

Richd. DeBary

ZA-91-78

Glendenning







8.67

March 10, 1978

2A-91-78

Dear Sir,

With respect to the proposed re-zoning from D to E-2 Multiple dwellings.

As taxpayers and residents of Charlton Ave for the past 30 years we are very concerned about the result of such a re-zoning. Our property would decrease greatly in value, the already congested traffic and parking would become an even greater hazard.

This type of building would set a precedence and soon what was once a peaceful residential community will become an overcrowded, over-populated area.

We oppose this re-zoning and ask that you take into consideration the grave consequences of such an action.

Thank-You for your time and attention.

Micheline Di Fiore  
Eledina Di Fiore

Sincerely Yours,

347 CHARLTON AVE W.

HAMILTON ONTARIO







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

8.6)

Public Meeting of the Planning and Development Committee

Re Artaban Non-Profit Homes Inc.

Re Re-Zoning from D to E-2 Multiple Dwellings

I oppose re-zoning from "D" Residential because

- it will devalue my property
- it may set a precedent for multiple dwellings on our block
- extra volume of people will cause extra traffic and use more parking spaces on the block.
- concern about extra strain on the sewer.
- too large a building for the area of the property
- reduction of front yard to 3.5 metres
- no off street allowance for emergency vehicles such as Darts, Fire trucks, ambulances, moving trucks, garbage trucks, etc.
- concern about the type of residents to live in the building
- concern about the management of the property

*Lillian Wilson*

Lillian Wilson  
Russell Wilson  
334 Charlton Avenue West  
Hamilton, Ontario L8P 2E7

2A-91-78







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8. (u)

March 12/92

No way do we want a change in the Zone By-Law. —

I own the property at 390 Charlton W and see no reason or benefit of a Zone change.

Again I say No Change of the Zoning

390 Charlton Bve W.

Phone 389-6480

Camillo Di Ippolito

2A-91-78







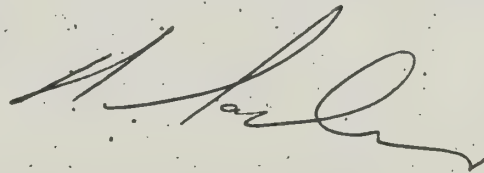
"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

8.61)

MAR 17 1992

We are opposed to the  
The Zoning of Charlton Ave W 320-330.

Ross + Nadine Sanders  
362 CHARLTON AVE W  
522-5844



7A-91-78







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8.6j

March 8/92. MAR 17 1992

We are opposed to the rezoning of  
Charlton Av. W.

Jale & Ellen have  
374 Charlton Av. W.

SG8-1246.

2A-91-78







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8.(K)

MAR 17 1992

We are apposed to  
the Re-zoning of  
320-330 Charlton Ave. W.

Shesley-James.

Susan Wesley-James  
Bob Craske  
381 Charlton Ave. W.  
527-8462

ROBERT A. CRASKE  
*Robert A. Craske*

24-91-78

ROBERT CRASKE







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

8. (11)

MAR 17 1992

March 8/92

As a property owner, City Tax payer,  
and resident for 56 years, I strongly  
oppose the proposed Zoning change.

It is not right that some person, or  
persons, can have the Zone changed  
to suit their own interests inspite of  
the opposition by the peaceful  
residents of the neighborhood

No Zone Change

Wm Boyd

398 Charlton Ave W

Resident 56 years

Tax Payer 46 years

Phone 522-7140

2A-91-78







MAR 17 1992

March 9/92

My Husband and I own the house on Charlton ave w that we live in and pay City Taxes on the same.

We along with our neighbors, are very much against the idea to change the zoning By-Law. We want the street to remain under the zone that it is now.

Mr & Mrs Lamanna

396 Charlton ave w

Phone 529-5830

Teresa Lamanna

Angie Lamanna

ZA-91-78







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8.(u)

We are opposed To

MAR 17 1992

the Re-zoning for  
320-330 Charlton W

E. Jensen  
405 Charlton W  
577-6228

2A-11-78







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

8.61

ZA91-78

WE ARE OPPOSED TO THE RE ZONING OF  
CHARLTON AVE W. 320330

MAR 17 1992

Ray Harrison 408 CHARTON AVE W.

MAR 17 1992







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8.61

March 7,

ZA91-78

MAR 17 1992

MAR 17 1992

We are opposed to the change of  
the zoning by-law. ZA-91-78

Paul Sullard  
298 Charlton Ave







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

8. (g)

2A91-78

MAR 17 1992

2A-91-78

MAR 17 1992

We are opposed to the Rezoning of  
Charlton Ave W. 320-330.

393 Charlton Ave W  
Antonio Anacleto  
Ludalene Anacleto







9.1

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 18  
P5-2-10A  
Beasley Neighbourhood

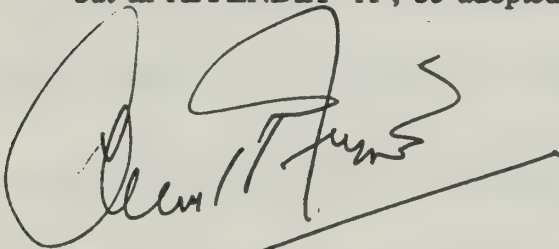
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Charles Forsyth  
Chairperson,  
Joint Carter Square Advisory Committee

**SUBJECT:** Amendment to the Beasley Neighbourhood Plan for lands  
known as "Carter Square"

**RECOMMENDATION:**

That the Committee's policies regarding land use and the guidelines for urban design, as set out in APPENDIX "A", be adopted as the amendment to the Beasley Neighbourhood Plan.



**Charles Forsyth**  
Chairperson

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

At its meeting of July 18, 1991, the Planning and Development Committee was in receipt of a report from the Commissioner of Planning and Development requesting authorization for a public meeting and the formation of an Advisory Committee regarding the request to amend the Beasley Neighbourhood Plan for the lands known as "Carter Square". The Planning and Development Committee struck a Joint Carter Square Advisory Committee consisting of representatives from the Central Area Plan Implementation Committee (CAPIC); the Urban



Design Committee; the Ferguson Avenue Committee; and the Central/Beasley P.R.I.D.E./H.INT. Citizens Advisory Committee.

The Advisory Committee has met five times since July to review the proposed development for the Carter lands. At its final meeting, held on January 23, 1992, the majority of the members of the Committee reached a consensus on the recommended development with the Carter Square Area and the urban design principles which should guide all redevelopment.

### **PROPOSED AMENDMENT:**

The consensus of the majority of the members of the Advisory Committee is set out in Appendices "A" and "B". In reaching its consensus, the majority members of the Advisory Committee strongly believe that urban design and the built form is of paramount importance in the redevelopment of this area. Therefore, the Committee has chosen to propose both land use policies and urban design guidelines for the Carter Lands.

In essence, the majority of the members of the Advisory Committee recommend the following:

- Robert Street be extended eastward from Elgin Street as a pedestrian walkway;
- the interior lands be developed for residential purposes with a mix of building type and height. The buildings with the greatest height be at the intersection of Ferguson Avenue and the extension of Robert Street (to a maximum of ten storeys). Similar buildings (e.g. apartments) be built to the north and, on the east side of Ferguson Avenue, and south of the higher density development but only to a height of six storeys to eight storeys. It should be noted that one member of the Advisory Committee dissents on the issue of height and would prefer to see a maximum height of four to six storeys.
- To the east and west of these buildings, stacked townhouses are appropriate in the form of a townhouse development.
- Lands fronting on Cannon Street should be designated for commercial use.
- Lands fronting on Barton Street should be mixed use and designated for Commercial and Apartments.

The land use policies as established by the Advisory Committee translate into land use designations on the Beasley Neighbourhood Plan as outlined at the public meeting of February 10, 1992. The members of the Advisory Committee discussed other related issues (e.g. traffic, landscaping) and these items are also set out in Appendix "A".

It should be noted that one member of the Advisory Committee, a Beasley resident, is not in agreement with the consensus of the majority of the remaining members of the Committee.

### **CONCLUSION:**

Based on the foregoing, the Joint Carter Square Advisory Committee recommends that the land use policies and urban design guidelines be adopted as the amendment to the Beasley Neighbourhood Plan for the "Carter Square" lands.



## **APPENDIX "A"**



## LAND USE POLICIES

### A. Cannon Street

- the commercial designations on Cannon Street should remain. However, there should be no encroachment into the residentially designated area.
- automotive and related uses along the street could be strengthened through a BIA or similar initiative.
- sidewalks should be widened to facilitate pedestrian movement.

### B. Elgin Street

- stacked townhouses of 3 to 3 1/2 storeys in height.
- townhouse blocks should provide breaks to allow pedestrian access to the interior of the block.
- the design of the stacked townhouses should reflect that of the existing development on the west side of Elgin Street.
- landscaping and/or tree boulevards should be provided on the east side of Elgin Street to maintain and reflect the existing homes on Elgin and to enhance Elgin as a natural connection to Beasley Park. An extra wide grassed boulevard to accommodate trees and sidewalks should be established. Front yards should be grass with no front yard parking.
- some on-street parking is encouraged (on the west side may be more appropriate).

### C. Robert Street

- a pedestrian link to Ferguson as an extension of Robert Street is appropriate. This requires the establishment of the walkway between Elgin and Robert Streets and its continuation east from Ferguson Avenue to the existing alley. The preferred alignment between Elgin and Ferguson is along the existing sewer easement.
- stacked townhousing to the mid-block.
- appropriate separation should be provided to create a quality landscaped area.

### D. Barton Street

- mixed commercial/residential uses are recommended. The ground floor level should be used for commercial purposes to reflect the use of Barton Street to the East and West.



- height along Barton should be limited to 3 to 4 storeys to reflect the existing strip commercial development on Barton. A cornice line at the 3-4 storey height should be established. However, residential structures could be set back to a maximum height of 8 storeys.
- the Economic Development Department should be involved in trying to find appropriate commercial uses for this portion of proposal. Medical research labs and medical offices were identified as examples of appropriate uses.

#### E. Ferguson Avenue

- the pedestrianisation of Ferguson Street is of importance and initiative to outline municipal plans and actions for the street should be undertaken now. As a result, the Ferguson Avenue Advisory Committee should be reactivated.
- a sense of people space should be created by the new buildings. Therefore, proposed heights should be reduced. A maximum height of ten storeys was identified as appropriate around a central focal point on Ferguson. All other buildings should be restricted to a maximum of eight storeys.
- in the design of building, consideration should be given to creating horizontal lines on the facades of the buildings. Horizontal lines should be created at heights of three and six storeys.
- traffic use of Ferguson Avenue should give high priorities to pedestrian and bicycle use. Through traffic is to be one lane on either side of the boulevard only. On street parking on both sides of the street should be permitted to improve safety and street activity.
- a centre focus on Ferguson would be appropriate, with the possibility of an island or rondel. Landscaping and visual treatment of the central boulevard and sidewalk areas are important.
- traffic use of Ferguson should be limited. Opportunities for pedestrian uses and bicycles should be provided.
- the City must proceed with the development of Ferguson Avenue, in order to assure a quality development on the Carter Square lands.
- special architectural articulation of the buildings at the roofline should be considered.

#### F. Site Plan Control

- the entire site is subject to Site Plan Control By-law 90-285. The site plan approval process should ensure a quality development that is well integrated with existing development in the surrounding area.



G. Ongoing Stakeholder Consultation

- stakeholders (such as area residents) should continue to be consulted as the development of the area takes place to ensure that their concerns are addressed. This will aid in the implementation of the amendment.



## Urban Design Guidelines

### 1. Cannon Street

Future buildings should be built close to the street line. Wider than usual sidewalks along Cannon were encouraged with the addition of street furniture as appropriate to the conclusion that Cannon should be developed as the downtown automotive corridor. Street lighting, banners and other improvements are an essential component of this design treatment.

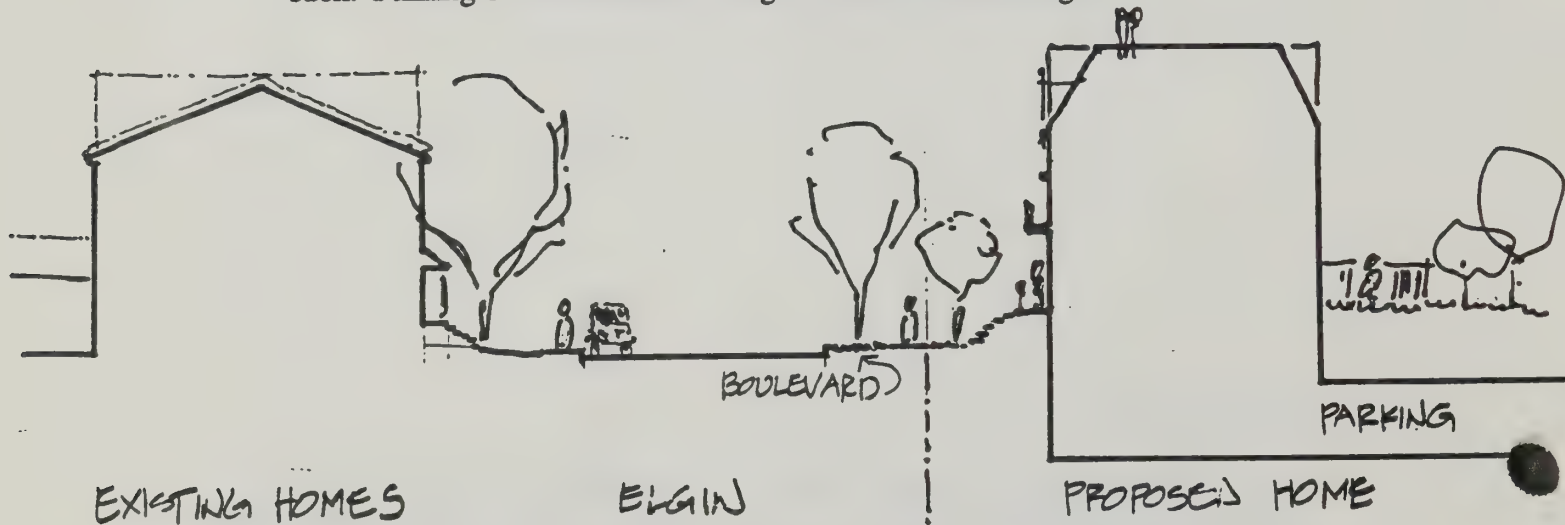




## 2. Elgin Street and Cathcart Street

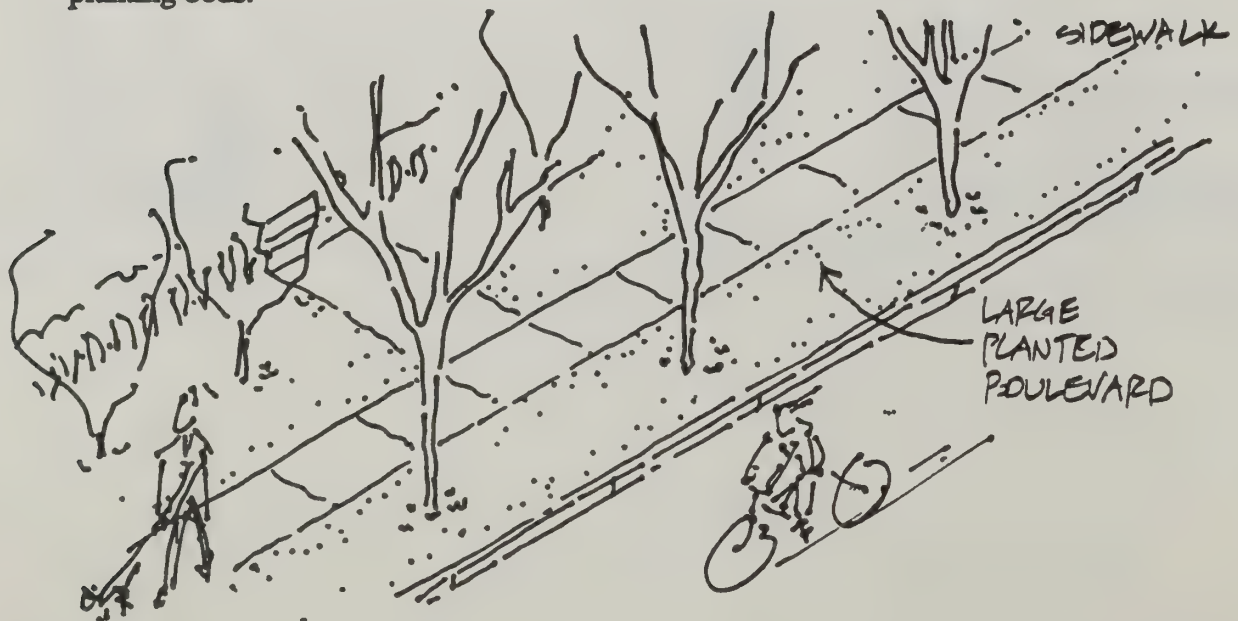
The built form should be stacked townhouses to 3.5 storeys. The ground plane should meet the building with no walkdowns. The townhouse blocks should be arranged to provide periodic gaps.

A boulevard tree bed should separate the sidewalk from the curb. It was noted that Elgin is the natural connector to Beasley Park and should be landscaped as such. Parking on the east side of Elgin should be discouraged.



## 3. Trees

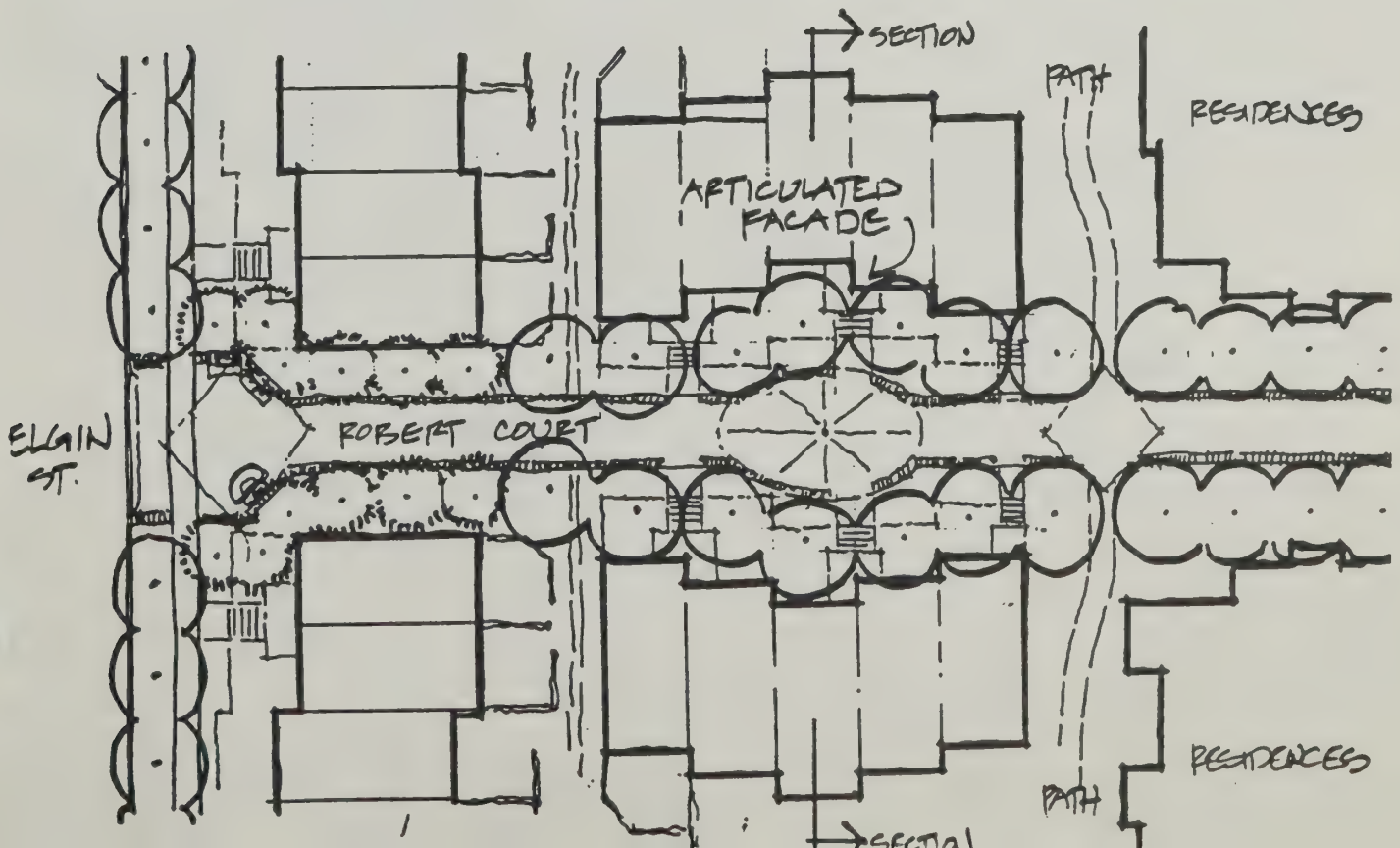
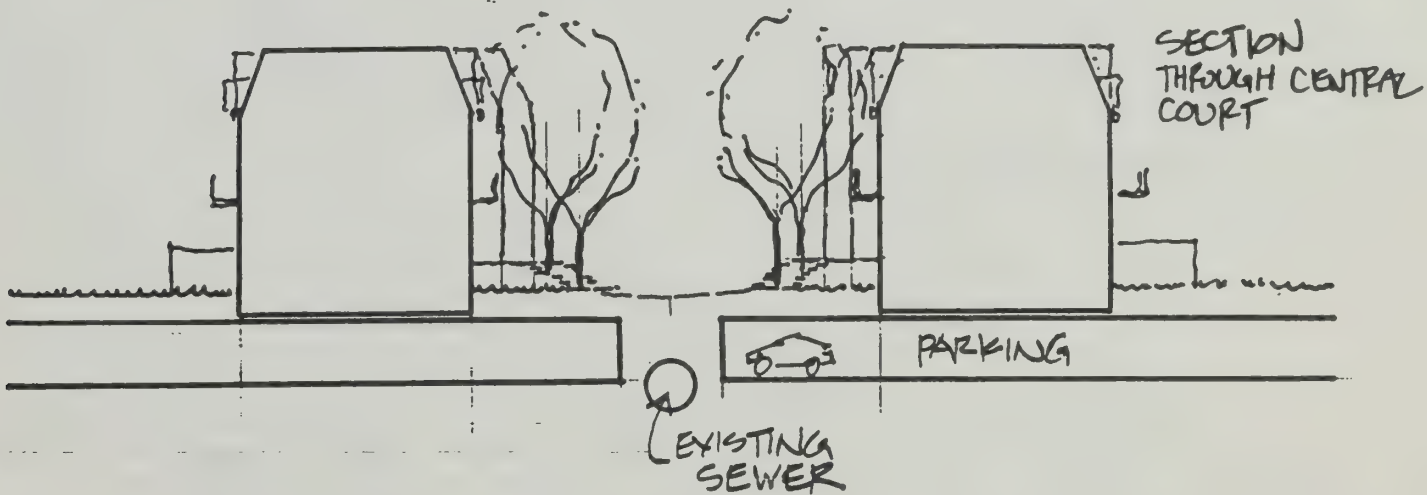
Abundant masses of trees that will attain heights of 50 feet will ensure a higher level of articulation and quality of space in the project, as well as reinforce the canopy of large trees historically found in downtown Hamilton. Street tree planting details should encourage optimum growth through long and deep planting beds.





#### 4. Robert Court Connection.

A break in the townhouses at Robert Street with a strong visual and pedestrian connection to Ferguson is appropriate. Pedestrian zone articulation through the centre of this corridor should be by paving only but with extensive planting along the edges. Use of Ferguson Avenue granite setts here to make the street a special place was discussed. A reproduction of a previously existing horse trough and seating may be installed at Elgin as a project of PRIDE-HINT. Buildings facing Robert Court should have a minimum 6 m hard surface with yards and landscaping on either side to soften the area. Robert Court will function as a pedestrian street capable of accommodating emergency and service vehicles with a roll curb at Elgin.





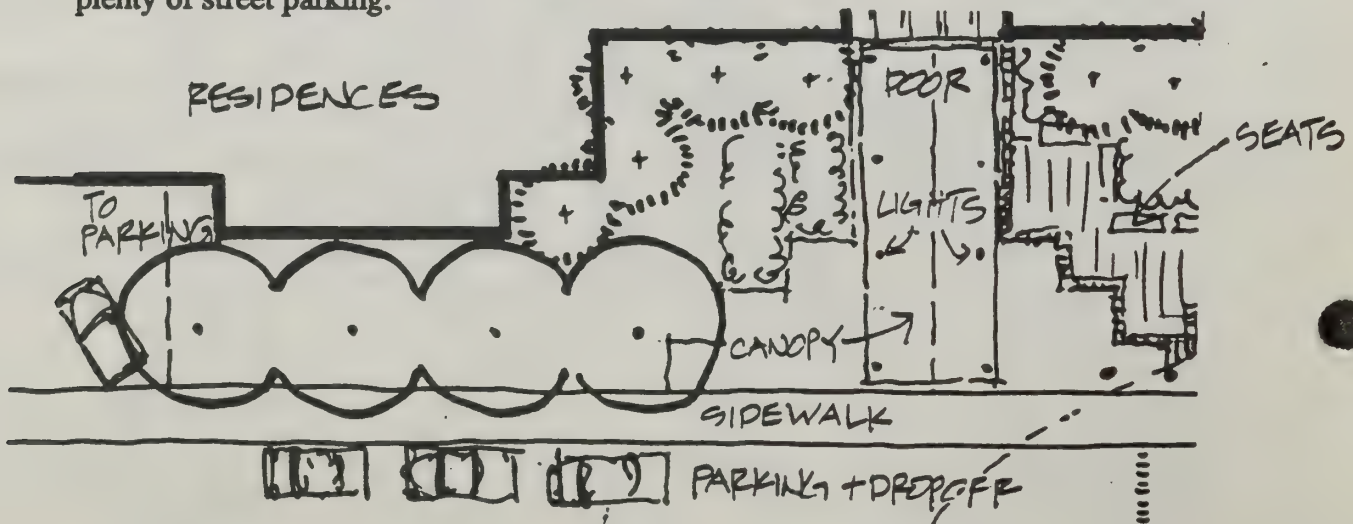
5. Barton Street.

Flexibility is the key to allow for a range of uses including offices, medical, hotel, care housing and retail at grade. Mid-rise buildings not to exceed 8 storeys with building podium at 2 storeys was confirmed as appropriate. Buildings in this location must front on the street right of way. Building massing at lateral streets such as Elgin should step down to relate to existing heights. Parking on Barton should be permitted.



6. Urban Safety

Extensive consideration of safety and design issues is vital. Details which should be encouraged include multi level light fixtures, laybys at building entrances and plenty of street parking.



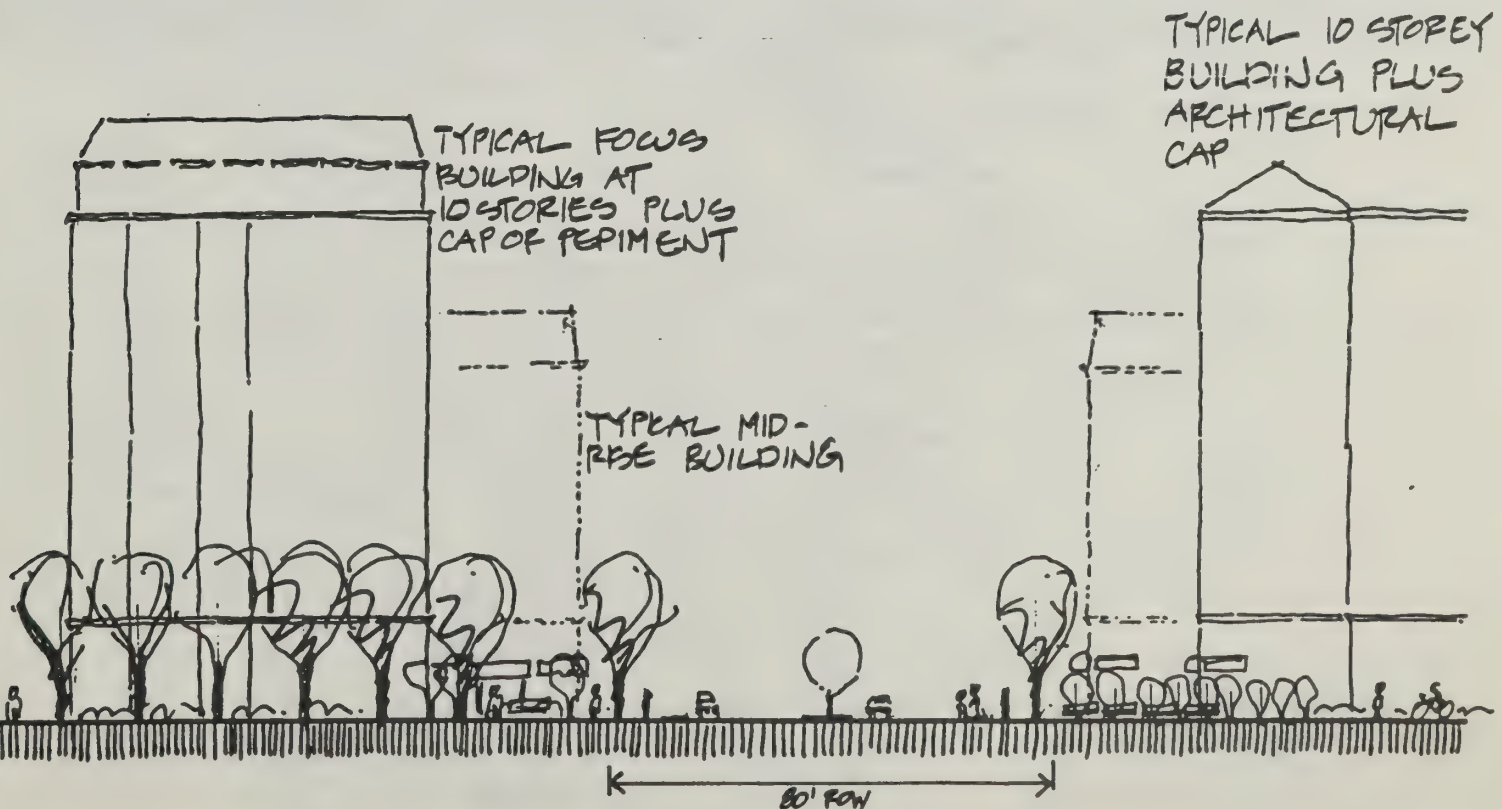


## 7. Ferguson Avenue

The committee agreed that the creation of a pedestrian-oriented street through reconstruction of Ferguson is a major municipal opportunity. A sense of place will be created through definition of buildings and landscaping at ground level. The street and buildings are to be experienced together through careful treatment of landscape and building pedestal, shaft and cap. The notion of a visual connection between the mountain and the harbour is not possible. It was felt that we are creating a special design district possibly using relics from the railway era. The switchman's tower at Ferguson and Cannon might be relocated into the project.

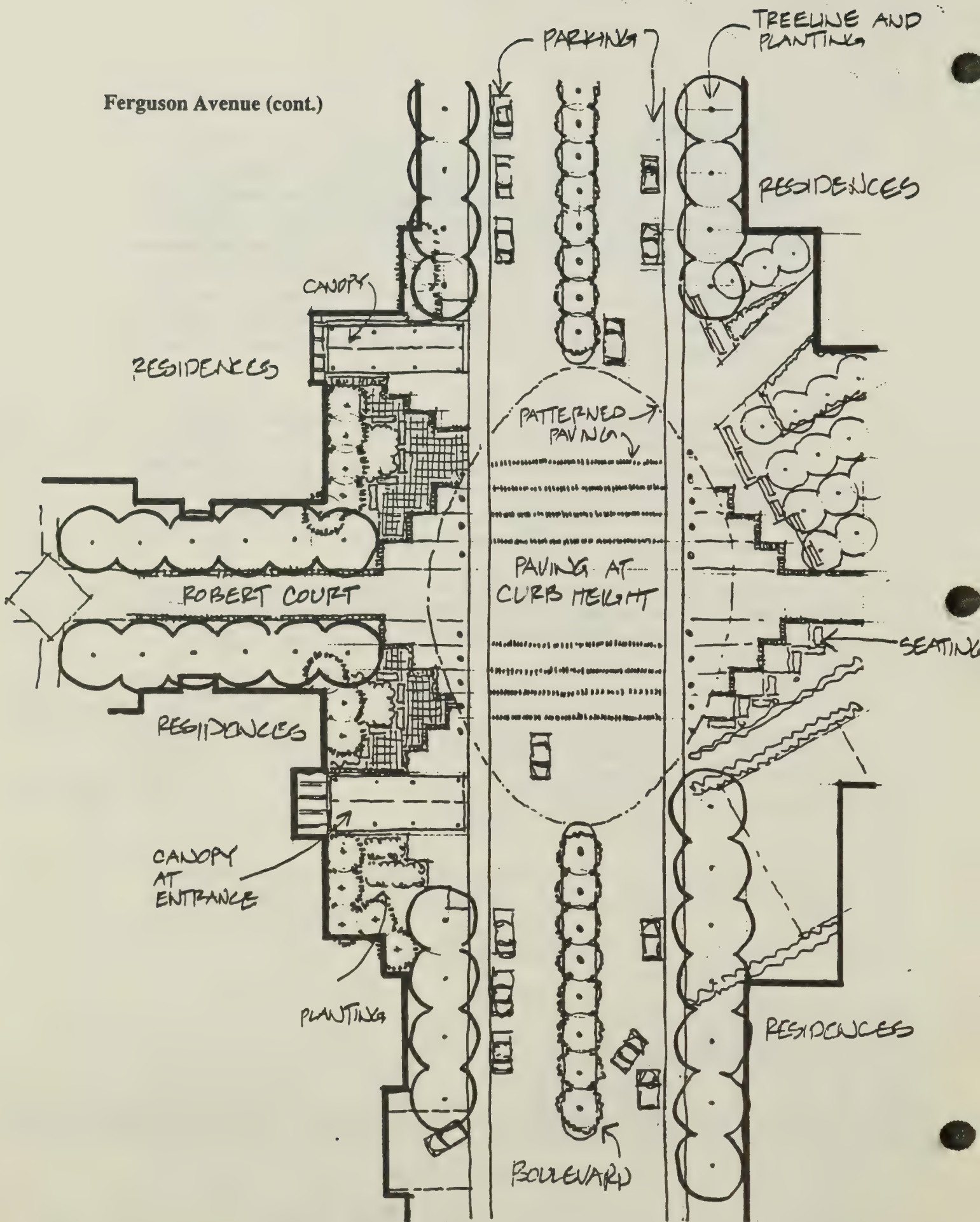
A boulevard-style of treatment was recommended for the centre of Ferguson alongside residential buildings only. A landscape focus at Robert was also confirmed the form of which may vary between an island or as textured raised paving. Through-traffic is to be one lane on either side of the boulevard only. Metered parking is to line both sides for safety and activity reasons. A walking promenade leading from Theatre Aquarius is important.

Street life is the key to the success of a place. Where possible activity nodes should be created, especially at Robert. Seating areas, entrances, storefronts and even seasonal cafes should be encouraged.





Ferguson Avenue (cont.)

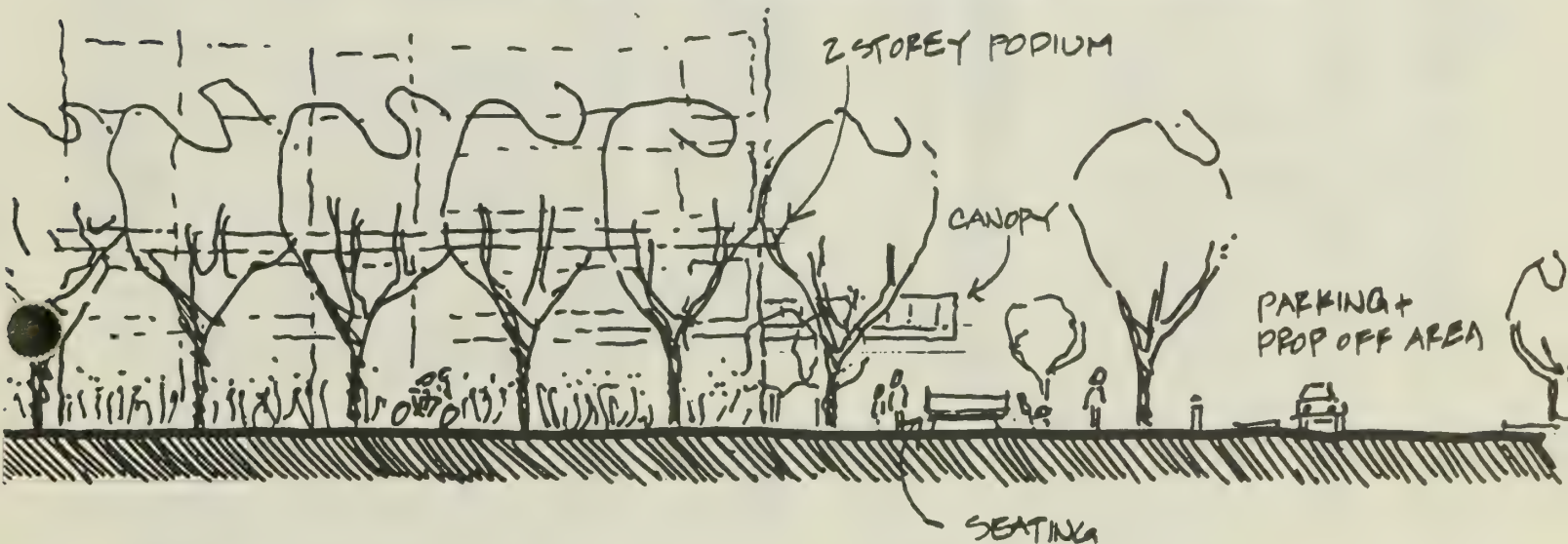




## 8. Building Facades

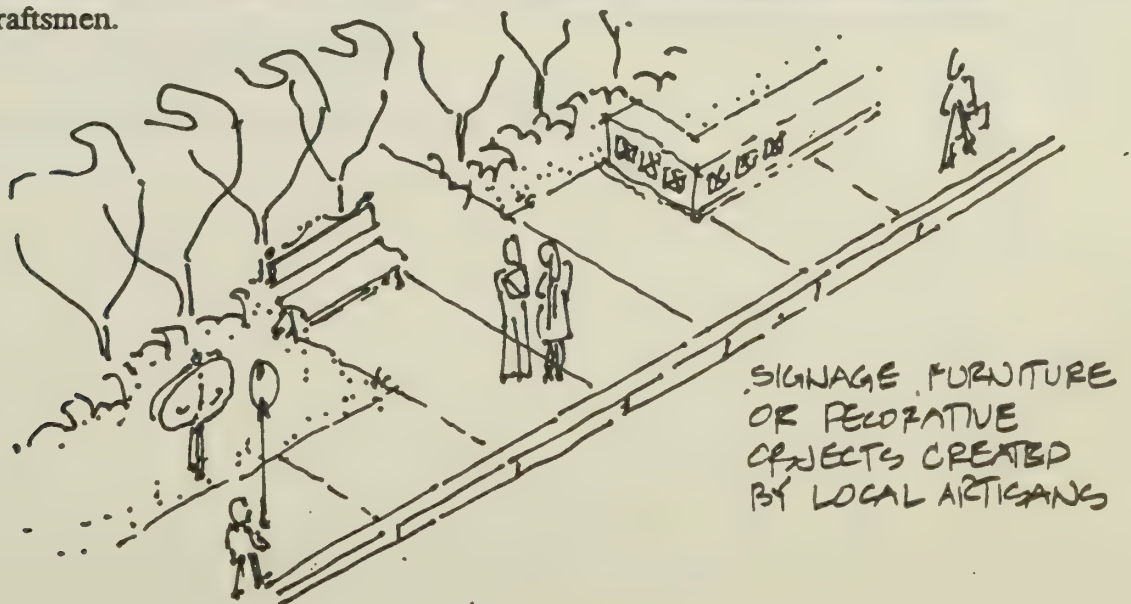
Mid-rise scale buildings to line the street 6 to 8 storeys, in height. Focus buildings at Robert may exceed this height from a building cornice line of 10 storeys but should include special rooftop articulation through changes in materials or architectural elements.

The first 3 floors of the buildings are essential to the pedestrian nature of the streetscape. The base should include an integration of seating, signs, addresses, awnings, retail fronts, doorways, etc.. Canopies may connect doors to the street. A cornice or change in materials should cause a break at the 2nd or 3rd storey to allow the shaft of the building to rise as a separate element in the composition.



## 9. Public Art

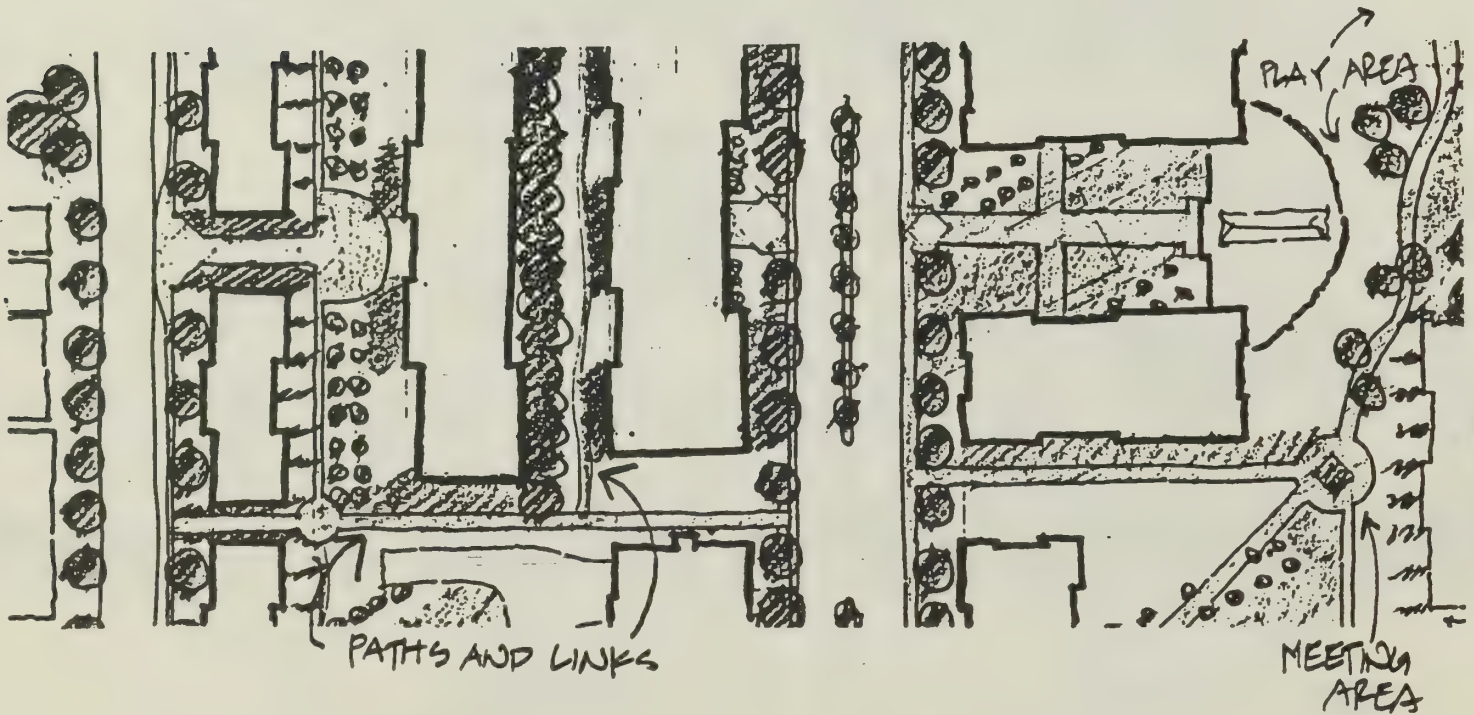
While budgets on some affordable housing may not permit full scale installations by the builder, public participation by the neighbourhood is encouraged. This may take the form of historical artifacts or street furniture created by local trades or craftsmen.





## 10. Open Space and Internal Circulation

It will be important to ensure that the project has multiple links between streets and the local neighbourhood. While this space may be separated into private, semi-public and public space visual connection at least is a key. Space should be provided to allow full interaction of all age groups. Childrens play, teenagers, seniors, etc. all should be accommodated and allowed to mingle and associate on their own turf. Some of this space may be located outside of the development such as in Beasley Park.





**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 18  
Beasley Neighbourhood  
P5-2-10A

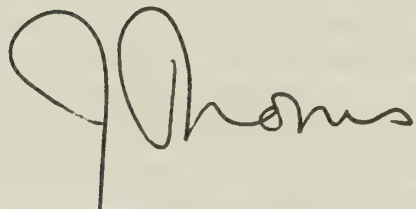
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

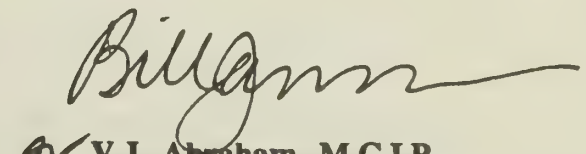
**SUBJECT:** Request for Neighbourhood Plan Amendment - Carter  
Square

**RECOMMENDATION:**

That the amendment to the Beasley Neighbourhood Plan for the lands known as Carter Square (the block bounded by Cannon Street East, Elgin Street, Barton Street, and Cathcart Street), as shown on the attached map marked as MAP "1" and the associated policy guidelines attached as APPENDIX "A", be adopted by City Council.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**

  
**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

- Application for Neighbourhood Plan Amendment - Maurice C. Carter Holdings

On June 17, 1991, an application for an amendment to the Beasley Neighbourhood Plan was submitted to the Planning and Development Department for lands bounded by Elgin Street, Barton Street East, Cathcart Street, and Cannon Street East. The application requested the following designations:

COMMERCIAL	i)	recognition of the existing commercial uses fronting on Cannon Street (Carter Chev Olds and Mill Paper Fibres);
	ii)	extension of the existing automotive dealership (Carter Chev Olds) to the south side of Cannon Street (on lands designated for Beasley Park);
COMMERCIAL AND APARTMENTS		mixed commercial and residential buildings fronting on Barton Street to a height of ten storeys;
HIGH DENSITY APARTMENTS	i)	2-4 storey stacked townhouses fronting on the east side of Elgin Street;
	ii)	apartment development fronting on both sides of Ferguson Avenue. At the intersection of Robert Street and Ferguson Avenue the buildings would rise to twenty storeys with the adjoining lands (to the north and south) being developed to a maximum height of ten storeys.

The following is a summary of the process undertaken to review the requested Neighbourhood Plan Amendment.

At its meeting of July 18, 1991, the Planning and Development Committee authorized the formation of an advisory committee to facilitate the review of the requested Neighbourhood Plan amendment. At the same time, a public meeting for information was authorized to provide the opportunity for area residents to comment on the proposal.



i) Public Meeting of September 4, 1991

The public meeting was held on September 4, 1991 to provide area residents with an opportunity to comment on the original proposed amendment to the neighbourhood plan. Submissions from the public were invited, of which forty-five were received. In general, several citizens expressed concern over increases in population density, traffic, crime, property taxes, and hazards during development. Other comments included the need for affordable housing, adequate parking, and the provision of increased housing opportunities in the Central Area.

ii) Advisory Committee

A Joint Carter Square Advisory Committee was formed to facilitate the review of the requested amendment. Members were: two representatives from each of the Ferguson Avenue Committee, the Central Area Plan Implementation Committee (CAPIC), Central/Beasley PRIDE, and the Urban Design Committee. All landowners were invited to participate as members of the Committee.

The Advisory Committee has met six times since July to discuss the proposed amendment. Through the work of the Advisory Committee, the proposal to amend the Beasley Neighbourhood Plan has been modified to reduce the height and density of the proposed residential development. The Advisory Committee has finalized its report which has been submitted to the Planning and Development Committee for its meeting of March 25, 1992.

It should be noted that the Advisory Committee has been a unique process for the City, in that stakeholders representing many constituencies were involved. The Advisory Committee itself tried to work towards consensus and resolved a number of issues with much hard work. This Committee has been a good model for future projects.

iii) Public Meeting of February 10, 1992

A second public meeting was held on February 10, 1992 in order to advise the area residents of the modifications to the original proposal and to invite submissions from the public on the modified proposal. Approximately fifty people attended the public meeting and 133 submissions have been received by the Planning and Development Department regarding the proposal.

• Zoning Application 91-61

An application for rezoning was submitted to the Planning and Development Department on October 10, 1991, to rezone a portion of the lands within the boundary of the proposed amendment. The amended proposal is a request to rezone a site of approximately two and one-half acres to "E-3" (High Density Multiple Dwellings) District modified, to develop the lands for: a 4 storey, 60 unit stacked townhouse



development fronting on Elgin Street and two ten storey apartment buildings (one with 110 units and one with 92 units) fronting onto Ferguson Avenue North. The application for rezoning will be considered by the Planning and Development Committee at the same meeting as the neighbourhood plan amendment.

#### **OFFICIAL PLAN:**

The subject lands are designated "CENTRAL POLICY AREA" on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

"A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:

- i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels, mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;
- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7;

A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan."

Based on the foregoing, the proposal to amend the neighbourhood plan does not conflict with the intent of the Official Plan.

The subject lands are also within the area addressed in Official Plan Amendment No. 66 (the Central Area Plan). The subject lands are designated "RESIDENTIAL" on Schedule "A" of Amendment No. 66 for which a redesignation from "RESIDENTIAL" to "COMMERCIAL" is required to recognize the existing commercial uses on Cannon Street East. The subject lands are also designated "NEIGHBOURHOOD RESIDENTIAL" (lands on the west side of Ferguson Avenue) and "MIXED USE" (lands on the east side of Ferguson Avenue) on Schedule "A-1" of this amendment. A redesignation from "NEIGHBOURHOOD RESIDENTIAL" to "MIXED USE" on Schedule "A-1" for the lands fronting on Cannon Street East is also required. However, the amendment adopting the Central Area Plan is before the Ontario Municipal Board and thus the plan is not finalized. Once the Board has dealt with the amendment, modifications to the Schedules can be undertaken through a separate amendment to Official Plan Amendment No. 66.



### **NEIGHBOURHOOD PLAN:**

The subject lands are currently designated "COMMERCIAL" (lands on the west side of Ferguson Avenue) and "INDUSTRIAL" (lands on the east side of Ferguson Avenue) on the approved Beasley Neighbourhood Plan. The proposal calls for a number of changes to the existing Plan.

### **EXISTING LAND USE AND ZONING:**

- Subject Lands

The subject lands contain both commercial and industrial uses. One automobile dealership (Carter Chev Olds) and the lands of Mill Paper Fibres front onto Cannon Street East. Brewers' Retail has a retail store and warehouse at the southeast corner of Elgin and Barton Streets. Mill Paper Fibres is located at the northeast corner of Cannon Street East and Ferguson Avenue and, immediately to the north is Hotz and Sons - an industrial storage and warehousing facility. The balance of the lands are currently vacant.

It should be noted that the lands on the east side of Ferguson Avenue are owned by CN Rail. While these lands are currently vacant, there is an existing set of railroad tracks leading to this site which was formerly used as a roundhouse. The tracks are to be removed.

The zoning on the subject lands is as follows: Brewers' Retail is zoned "H" (Community Shopping and Commercial) District modified; the lands of CN and Hotz and Sons are zoned "JJ" (Limited Heavy Industry) District, modified; and the balance of the lands are zoned "H" (Community Shopping and Commercial) District.

- Surrounding Lands

The lands to the west and east of the subject lands are predominantly 1 to 2 storey single-family homes. These lands are zoned "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District. Beasley Park is located to the south of the subject lands. To the north is a variety of uses including a warehouse use (Smart Turner Pumps); an institutional use (the Barton Street Detention Centre); and a commercial use (A&P). The lands to the north are zoned "K" (Heavy Industry, etc.) District.

- Site Plan Control

The entire area is subject to Site Plan Control By-law No. 90-285 (Site Plan Control in the Central Area).



### **ONGOING INITIATIVES - BEASLEY NEIGHBOURHOOD:**

Beasley Neighbourhood, along with Central Neighbourhood, has received Provincial funding under the P.R.I.D.E and P.R.I.D.E./H.INT. programmes. Ongoing work includes the development of Beasley Park and the redevelopment of McLaren Park. In addition to the P.R.I.D.E. work, the City is undertaking a review of Ferguson Avenue with the goal of establishing Ferguson Avenue as a pedestrian/bicycle route from the Escarpment to the Bay. Ferguson Avenue would also provide access to the proposed waterfront park system.

### **COMMENTS RECEIVED:**

The report of the Joint Carter Square Advisory Committee was circulated to a number of City and Regional Departments.

- The following agencies have no comments or objections:
  - Department of Culture and Recreation;
  - Environmental Services;
- The Traffic Department has advised:

"We have previously commented on both the neighbourhood plan amendments (letter dated 1991 October 18) and the specific Zoning By-law amendment request (letter dated 1992 January 21) and stated our support for the overall concepts being presented. The concerns outlined in both of these documents are, however, still relevant and we note that the Committee Report has picked up on a number of the same concerns with respect to the detail of implementing the overall concept, most notably the need for site plan control.

It is our understanding of your letter, that the applicant is amending his application as outlined in the Committee Report. The only change to the proposal which we see coming from the report is a reduction in the proposed height limitation for some of the buildings. If further changes are being proposed, please advise us. Given this assumption, we have no additional comment in regards to the land use proposals. We do, however, have a number of concerns with respect to the urban design suggestions contained within the Committee Report.

#### **Cannon Street**

The report promotes the provision of widened sidewalks along Cannon Street while also encouraging the construction of buildings to the street line. We support the idea of wider sidewalks in this area but point out that these widenings will not be accomplished by reducing the width of the travelled portion of the roadway. Instead, the Region has a requirement to acquire approximately a 10 foot road widening along Cannon Street, some of which will be utilized for wider sidewalks in the future.



### Robert Court

We understand that the extension of Robert Street, between Elgin and Cathcart Streets, is to be developed as a pedestrian link only. The urban design guidelines indicate that the design is to accommodate its use by service vehicles. We would suggest that serious thought be given to what type of service vehicle is to be accommodated, for what purposes and how this access is to be controlled. The interface between a pedestrian link and the alley west of Cathcart Street will also require detailed design.

### Barton Street

Current sidewalks along Barton Street are relatively narrow. The design guidelines do not suggest wider sidewalks in this area, however, we suggest that this would be appropriate given the proposed residential/commercial development. As the existing pavement width only provides a substandard five lane cross-section, the only way of providing this feature would be by providing a building setback and providing the widened sidewalk on private property. On-street parking facilities on Barton Street will not be provided, and the building design and parking layouts on private property should be designed with this in mind.

### Elgin Street

The proposed townhouse development fronting both Elgin and Cathcart Streets will generate on-street parking and loading regardless of what underground parking or loading facilities are provided via Ferguson Avenue. Existing on-street parking on both roadways is currently well utilized. If some form of parking and/or loading is not provided directly from these roadways, parking will spill over into the adjacent neighbourhood areas. We, therefore, recommend that either parking/loading bays be developed along both roadways adjacent to the townhouse development or that the overall project be redeveloped to eliminate this fronting of units onto the roadway.

The guidelines also suggest the development of Elgin Street as an entrance to Beasley Park. It would appear to be inappropriate to emphasize the use of Elgin Street given that a major pedestrian and bike link is to be developed along Ferguson Avenue, one block to the east.

We further suggest that it would be more suitable to provide a substantial tree planting program on private vs. public property along Elgin Street. The advantages of the approach include:

- 1) less utility conflict
- 2) better chance of tree growth away from roadway
- 3) reduced conflicts with required on-street signing
- 4) safer roadway as a result of fewer obstacles within road right-of-way
- 5) better driver visibility with respect to pedestrian movements and driveway conflicts.



### Ferguson Avenue

While we have agreed to the concept of providing a "special" treatment along Ferguson Avenue, this has always been subject to the provision of functional plans. No such plans have yet been prepared by the applicant and City staff is only now in the process of hiring a consultant to prepare such plans for the entire Ferguson Avenue study area. As a result, all design guidelines related to use of the road right-of-way are at minimum premature and should not be adopted by any forum at this point.

The guidelines further suggest that street life is the key to success along Ferguson Avenue and suggests that storefronts and seasonal cafes should be encouraged. It should be noted that the current proposal, as we understand it, does not provide for any commercial component fronting on Ferguson. This discrepancy should be clarified.

### On-street Parking

There are several references throughout this report regarding the desire of the Committee to see on-street parking instituted along Cannon, Barton and Ferguson Avenue. The Committee should be reminded that it is Council's policy, through the City Official Plan, to discourage the provision of on-street parking on arterial roadways. This provision is based not only on the desire to maintain an efficient traffic system but also on the basis of roadway safety. It is documented fact that on-street parking on arterial roadways contributes substantially to the number of collisions for both vehicles and pedestrians. As a result, we are opposed to the suggestion that parking be placed on either Cannon or Barton Streets.

In the case of Ferguson Avenue, while not an arterial roadway, the safety concern remains. We expect Ferguson to carry a significant traffic volume and on-street parking will complicate the traffic situation. In addition to this general concern, is the additional complication of the proposed bike route. Current design thought is that a bike facility will likely share the same roadway surface as other vehicles. The placement of bicycles between parked vehicles and moving vehicles is not a preferred option. As a result, we do not recommend on-street parking along Ferguson.

In summary, while we continue to support the overall concept being proposed, we are extremely concerned with the details required to implement this concept. We, therefore, repeat our recommendation that no zoning applications be given any approval until site plans have been submitted and approved. We further recommend that the land use policies and urban design guidelines be received only and that they be given no official status. Finally, we recommend that design guidelines be developed for Ferguson Avenue and other adjacent roadways in the Central and Beasley Neighbourhoods through the design study currently being initiated through the City."



The Hamilton-Wentworth Roads Department has advised:

"In general, all comments in our previous letters dated July 11, 1991, on Carter Square and January 3, 1992, and February 6, 1992, on Zoning Application 91-61 on services, road widenings, setbacks etc. are still applicable. We have reviewed the specific recommendations on Land Use Policies and the Urban Design Guidelines Policy and submit the following comments:

Item 1) Cannon Street

As noted previously, the designated road allowance width of Cannon Street is 26.21m (86 feet). In accordance with this designation, specific plans were prepared outlining lands required for road widening purposes. This road allowance widening on Cannon Street is approximately 3.048m (10 feet) in width. The applicant should take into consideration this 3.048m (10 foot) reduction in lot depth on Cannon Street when preparing the development plans for lands to the north. As a condition of development approval, this widening will be required to be dedicated to the Region.

The report states that sidewalks on Cannon Street should be widened and that buildings should be constructed close to the streetline. The purpose of the 3.048m (10 foot) widening is to provide an improved pavement cross section and wider sidewalks on Cannon Street and buildings must be setback from the streetline to accomplish this. We also note that street furniture, banners, special lighting etc. within the road allowances requires appropriate agreements with the City/Region.

Item 2) Elgin Street and Cathcart Street

It is noted that an extra wide grassed boulevards to accommodate trees and sidewalks should be established. It is unclear what the intent of this statement is, the width of the boulevard suggested and the sidewalk. The planting of a treed boulevard within the road allowance requires City Council approval. It is also critical to finalize this cross-section since additional lands from the applicant/owner may be required to incorporate this scheme into the road allowance.

The designation of on-street parking must also be resolved prior to development to determine whether additional road allowance widths are required.

Item 4) Robert Court Connection

Access from Elgin Street to the Robert Court Connection and on-site loading and manoeuvring requires the approval of the City of Hamilton Traffic Department.

Item 5) Barton Street

The existing and designated road allowance width of Barton Street is 20.12m (66 feet), therefore we do not anticipate any further road allowance widenings at this time. The setback of buildings from the streetline has not been addressed. We therefore advise



that 3.048m setbacks and 5m by 5m daylight visibility triangles at access points to Barton Street etc. will likely be required. These matters will be specified at such time as development plans are submitted for our review and approval.

In accordance with the guidelines specified in the Regions Official Plan, it states that in order to preserve the capacity of the arterial road system and to provide for safe and efficient movement of traffic, on-street parking will be prohibited on sections of arterial roads where feasible, whereas this report is encouraging on street parking on an arterial roadway. We assume that all new development and redevelopment will provide for off-street loading and parking facilities as required by City of Hamilton Zoning By-Law No. 6593. The Regional Official Plan also states that sufficient off-street parking for all new development adjacent to an arterial road must be provided to meet the needs of the development without necessitating the use of the arterial road (Barton Street) for parking.

#### Item 6) Urban Safety

The provision of any lay-bys within the road allowances requires City/Regional Council approval. The details of this will be addressed through specific site plan approval. In providing these lay-bys adequate space must be maintained within the road allowances for utilities and municipal sidewalks.

As noted previously, on-street parking generally decreases traffic safety on the street and restricts visibility of motorists entering the roadways etc.

Canopies and light fixtures are not permitted encroachments in the road allowances.

#### Item 7) Ferguson Avenue

We have reviewed the proposed schematic roadway layout and note that dimensions are not provided on the plan. The concept plan provides for only one through lane of traffic in each direction, a raised concrete median and a parking lane in each direction. In general, we require unobstructed pavement widths of 7.31m between raised median islands and parking lanes in order to permit vehicles to pass another vehicle which may be disabled and blocking the road. Furthermore, parking bays must be a minimum of 2.5m in width on each side and it can be assumed that the raised concrete median landscape feature is 3.0m in width. With this cross-section a minimum of 22.67m is required from the edge of the parking curb to edge of parking curb, thus leaving 0.857m (2.81 feet) on each side for boulevard and sidewalk which does not meet our requirements. It is for this reason that we recommend that a functional design plan be developed for this section of Ferguson Avenue which would address the issue of pedestrians, sidewalk cafes, bicycle paths etc. It would appear at this time that the construction of a raised concrete landscaped median island cannot be constructed unless significant road widenings are acquired by the City of Hamilton. It is our opinion at this time that the raised concrete median island be deleted thus eliminating the need for extra width pavement and additional right of way width on Ferguson Avenue while at the same time providing for a 5 to 6 meters of sidewalk



area between the curb of the parking lay-by and the property line. Alternatively parking could be prohibited on both sides of Ferguson Avenue.

As you are aware, Carter Square has applied for a rezoning of their lands on the west side of Ferguson Avenue and it is imperative that the road allowance width and geometric design criteria be established prior to development approval since additional lands for the road widening of Ferguson Avenue may be required. We also understand that the land uses on Ferguson Avenue are residential in nature only and question the need for seasonal cafes etc.

The report also indicates that the paving on Ferguson Avenue will be raised at Robert Court to match the curb height. Due to maintenance reasons, paving stones are no longer permitted for municipal roadway or sidewalk purposes. We also discourage pavement patterns which raise to curb height due to vertical alignment, drainage concerns and the fact that pedestrians may believe that they have the right of way when crossing Ferguson Avenue at Robert Court. These matters must be addressed in the functional road design of Ferguson Avenue.

Item 8) Building Facades

No comment.

Item 9) Public Art

Any street furniture or historical artifacts within the respective road allowances require Council approval.

Item 10) Open Space and Internal Circulation

No comment."

• The Public Works Department has advised:

"We are pleased to see that a stakeholder group called the Joint Carter Square Advisory Committee was utilized to come to terms with all of the issues associated with the Carter Square Proposal. We respect their recommendations in this regard.

With regard to the Land Use Policies proposed in APPENDIX "A", no decisions should be made regarding Ferguson Avenue until such time as the Ferguson Avenue Review Committee has had the opportunity to meet with a consultant who will be hired in the near future. Under "E" Ferguson Avenue, there is reference to a "Boulevard" and a "Central Focus Area". There has been no review and consensus reached among the stakeholders of the Ferguson Avenue Committee that there should, in fact, be a "Boulevard" and "Central Focus Area". Again, particularly concerning these types of landscaping issues, no decisions should be made regarding policies for Ferguson Avenue Streetscaping. This would undermine the process that is about to take place with the Ferguson Avenue Review Team and other interested stakeholders.



These sorts of comments are also applicable to the rest of the public property around the site which will be subject to review by the Central/Beasley P.R.I.D.E. Housing Intensification Committee and the Consulting Team."

- The Hamilton-Wentworth Roman Catholic School Board has advised:

"The Board has reviewed the above proposed amendment and does not have any objections or modifications to the proposal as presented. The Board would like to be kept informed of the proposal as additional information regarding the number and type of residential units comes available.

The schools servicing the area are as follows:

	<u>Enrolment Sept./90</u>	<u>Operational Capacity</u>
<u>Elementary</u>		
St. Patrick	173	355
St. Mary	328	437
<u>Secondary</u>		
Cathedral Boys'	511	446
Cathedral Girls'	673	642"

- The Board of Education for the City of Hamilton has advised that:

"A development as large as proposed will have major implications for the Hamilton Board of Education. The magnitude of the implications will be better quantified when specific details regarding the numbers of units and the numbers of bedrooms are more precisely known.

At the present time, this area is served by Dr. J. Edgar Davey School for junior kindergarten to Grade 5; Tweedsmuir School for grades 6, 7, and 8; and Sir John A. MacDonald for secondary school. A development of this size will probably require new buildings or changes in existing school boundaries. The Hamilton Board of Education will be better able to inform you of its response regarding this proposal when a more detailed outline is put forward."

### ***RECOMMENDED LAND USE DESIGNATIONS:***

The proposal represents a unique opportunity to enhance the neighbourhood through redevelopment of former industrial lands for uses more compatible with the existing community and pattern of development. In addition, redevelopment of these lands will set the stage for further growth, increased residential opportunities in close proximity to the Central Area and to Barton Street, and community development within Beasley Neighbourhood.

The Joint Carter Square Advisory Committee has prepared a report outlining its position on

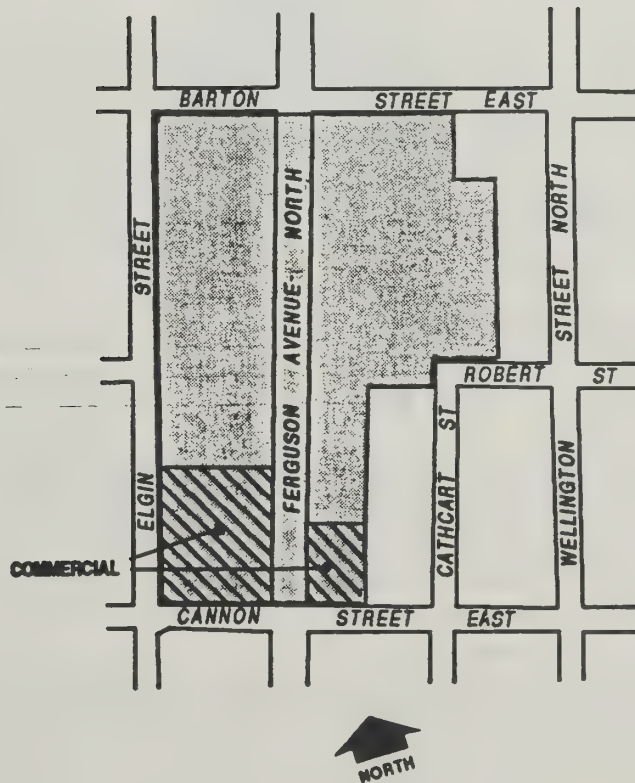


the proposed amendment to the Beasley Neighbourhood Plan.<sup>1</sup> The members of the Committee are to be commended for the commitment to the process each made and the willingness to work to reach a consensus.

This section discusses the recommended land use designations for the Carter Square Area. A summary of the proposed land use (as established by the Carter Square Advisory Committee) is presented, followed by a summary of any specific public submissions relating to the land use (a summary of all submissions received is contained in APPENDIX "B"). The land use recommended by the Planning and Development Department follows, as well as a discussion of the implementation of the specific designation.

a)

**COMMERCIAL**  
**(Cannon Street East)**



<sup>1</sup> It should be noted that one member of the Committee, a representative from the Central/Beasley P.R.I.D.E./H.INT. Committee, is opposed to the Committee's report.



i) *Proposed Land Use Designation - Advisory Committee*

The Advisory Committee has recommended that the lands fronting on Cannon Street East be retained as a "COMMERCIAL" designation in the neighbourhood plan.

ii) *Submissions Received*

Several submissions from the area residents and the public in general requested that the automotive uses be designated for residential development. At this point in time there is no basis for redesignating the lands for residential development as the existing commercial uses are well established in the area and are suitably located on a major road.

iii) *Recommended Land Use Designation*

The Planning and Development Department supports the retention of the existing commercial designations on Cannon Street (i.e. Carter Chev Olds and Mill Paper Fibres). These lands are zoned "H" (Community Shopping and Commercial, etc.) District which is the appropriate zoning for this commercial designation. However, no extension of the commercial designation to the west, east, or south should be permitted as there are ample commercial opportunities beyond this area, notably on Barton Street.

The Advisory Committee has also recommended, in the statement of Urban Design Guidelines, that Cannon Street be designated as the downtown automotive corridor. For purposes such as a Business Improvement Area, this idea has merit. However, it should be noted that no extension of the commercial designation to the west or east of the subject area shall be permitted nor shall the commercial designation be extended to the south side of Cannon Street East onto the land designated for Beasley Park.

iv) *Implementation*

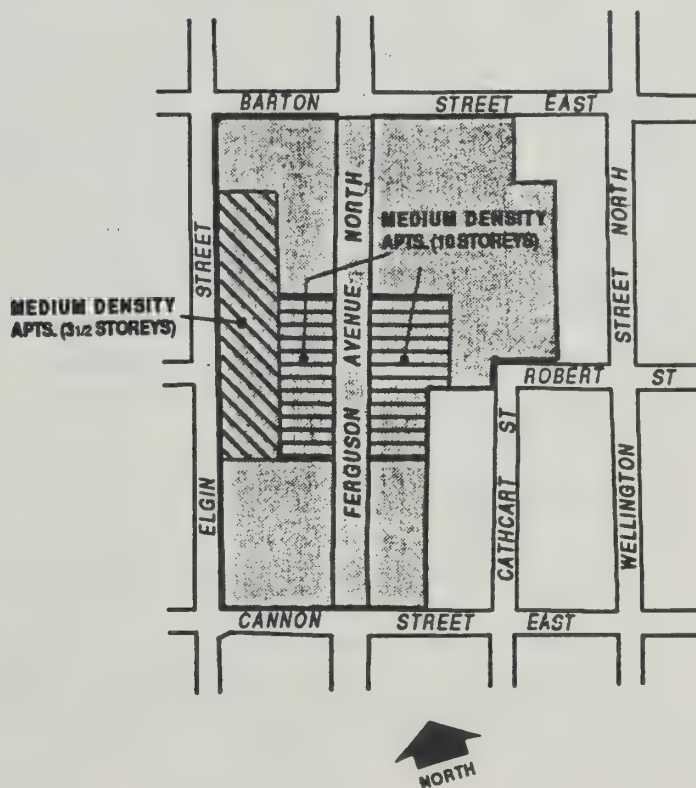
The sites within the amendment area which are designated as "COMMERCIAL" are currently used by Carter Chev Olds and Mill Paper Fibres. An application for rezoning would not be required as the lands are zoned "H" (Community Shopping and Commercial) District. However, the lands are subject to Site Plan Control By-law No. 90-285 and, should redevelopment occur, an application for site plan control will be required.



b)

**MEDIUM DENSITY APARTMENTS**

(Elgin Street; pedestrian extension of Robert Street; and Ferguson Avenue;  
east side of Ferguson Avenue)



i) ***Proposed Land Use Designation - Advisory Committee***

The Advisory Committee proposes stacked townhousing for this area. The building heights should be 3 to 3 1/2 storeys. This land use is appropriate for Elgin Street and the extension of Robert Court as the existing homes on the west side of Elgin Street are 1 to 2 storey single-family detached homes. A maximum building height of ten storeys on Ferguson Avenue is recommended by the Advisory Committee. The Urban Design Guidelines also state that "Seating areas, entrances, storefronts and even seasonal cafes should be encouraged".

ii) ***Submissions Received***

Some of the submissions received regarding this aspect of the proposed amendment to the neighbourhood plan object to:

- the ten storey height on Ferguson Avenue;
- 3 1/2 storey height on Elgin Street; and,



- state a preference that the entire site be designated for single-family development.

The residents in the area are concerned that they will experience similar problems as have arisen due to other high density development in this neighbourhood.

A second concern from the area residents relates to a mixture of tenures. Many submissions expressed concern that the entire area would be non-profit housing or rental housing. The residents also expressed a belief that ownership units should be constructed in this area. Such a policy is found in Policy C.7.3 (iii) of the City's Official Plan and in Policy 4.4.4 of the Central Area Plan (Official Plan Amendment No. 66). A policy in the neighbourhood plan to support the provision of a range of tenures should be included and would be consistent with the Official Plan and the Central Area Plan. However, it should be noted that planning policy, processes, and development control cannot enforce the tenure of any particular unit or units.

iii) *Recommended Land Use Designation*

The Department concurs with the Advisory Committee on the issue of the height restrictions. However, the proposal for rezoning of these lands is requesting an "E-3" (High Density Multiple Dwellings) District, modified to permit development of the lands at approximately 2.55 times coverage. This would result in a designation of "HIGH DENSITY APARTMENTS". This proposal cannot be supported by the Planning and Development Department for the following reasons:

- the proposed density is typical of the downtown core area of Hamilton where the higher density multiple dwellings are located. This area of Beasley Neighbourhood is in the peripheral part of the Central Area which is typified by lower density residential development.
- There is an ample supply of designated and zoned land for high-density residential development in appropriate locations in the core area. This includes areas in Central, Durand, Corktown, and southern Beasley (i.e. closer to King and James) Neighbourhoods.
- The existing residential community is strongly entrenched and the built form, in this area of Beasley Neighbourhood, is predominantly one and two family dwellings. Development for high-density residential use would be the introduction of an incompatible land use within a predominantly stable, single-family neighbourhood.

A more appropriate designation for these lands would be "MEDIUM DENSITY APARTMENTS". This would permit development of the lands at approximately fifty units per acre for a total of 125 units on the entire site. Policies should



be included to limit heights to 3 1/2 storeys on Elgin Street and ten storeys on Ferguson Avenue. This arrangement of the buildings (lower on Elgin Street and higher on Ferguson Avenue) would establish a better gradation of the buildings away from the existing single and two-family homes.

Regarding the concerns expressed in the submissions about height, it should be noted that the concerns expressed are in reference to a particular development (Robert Village) whose density is approximately 175 units per acre. A designation of "MEDIUM DENSITY APARTMENTS" would result in a development in the order of 50 units per acre on average.

The statement in the Urban Design Guidelines that storefronts and seasonal cafes on Ferguson Avenue would be encouraged cannot be supported. There is an ample supply of commercially designated and zoned land on Barton Street East where such uses would be more appropriately located. There are currently many vacant storefronts on Barton Street East and to permit commercial development on other streets intersecting with Barton Street would create a further strain on the viability of Barton Street as a commercial area. Therefore, no commercial uses should be permitted on Ferguson Avenue between Cannon Street and Barton Street. However, this may be subject to further review if the Ferguson Avenue review proposes a redevelopment of Ferguson which would support these types of uses.

It should also be noted that both the Traffic and Roads Departments have expressed concerns regarding the arrangement of the parking on Elgin Street. It would be appropriate for their concerns to be reviewed and incorporated into specific site plan applications.

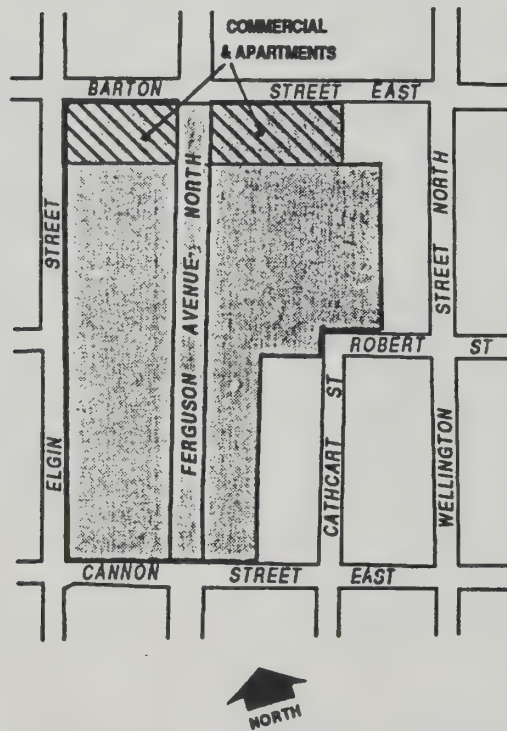
iv) *Implementation*

Implementation of this designation would be achieved through rezoning to such zoning districts as "E" (Multiple Dwellings, Lodges, Clubs, etc.) District and "E-1" (Multiple Dwellings, Lodges, Clubs, etc.) District. Such development would also require site plan approval.



c)

**COMMERCIAL AND APARTMENTS**  
**Barton Street East**



i) *Proposed Land Use Designation - Advisory Committee*

The Advisory Committee proposes a designation of "COMMERCIAL AND APARTMENTS" for the lands fronting on Barton Street East. Specific policies propose commercial on the ground floors with residential development above. The residential portion of the building is to be terraced away from the street. Development is to be limited to a height of eight storeys.

ii) *Submissions Received*

One submission was received supporting the retention of the existing commercial uses on Barton Street East. Other submissions received welcomed the increased population to support the businesses in the area.

iii) *Recommended Land Use Designation*

The proposed designation of "COMMERCIAL AND APARTMENTS" can be supported by the Planning and Development Department. Mixed commercial and residential development will provide enhanced commercial opportunities on Barton Street with the addition of more residents to support the existing and new commercial opportunities.



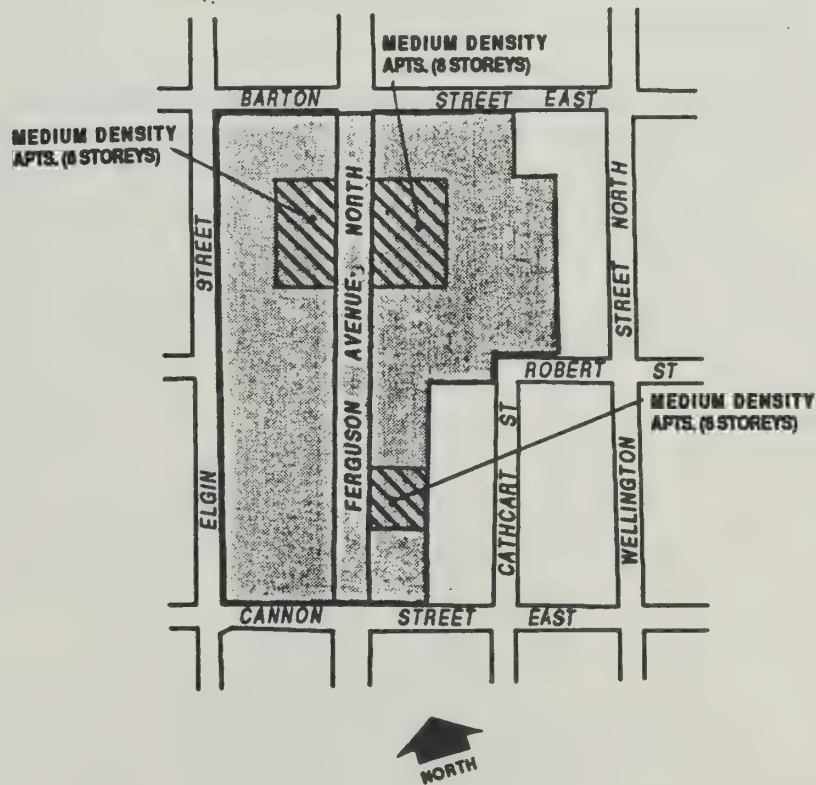
iv) *Implementation*

The lands contained within the designation of "COMMERCIAL AND APARTMENTS" are zoned "H" (Community Shopping and Commercial) District and "JJ" (Limited Heavy Industry) District, modified. Implementation of the neighbourhood plan will require a rezoning to a "CR-1" (Commercial-Residential) District along with applications for site plan control.

d)

**MEDIUM DENSITY APARTMENTS**

(east side of Ferguson Avenue - north and south of the ten storey height limit and the west side of Ferguson Avenue - north of the ten storey height limit)



i) *Proposed Land Use Designation - Advisory Committee*

The Advisory Committee recommends development of multiple-family apartment buildings to a maximum height of eight storeys on Ferguson Avenue.



ii) *Submissions Received*

Several submissions indicated support for a limiting of the height of development on Ferguson Avenue to four storeys.

iii) *Recommended Land Use Designation*

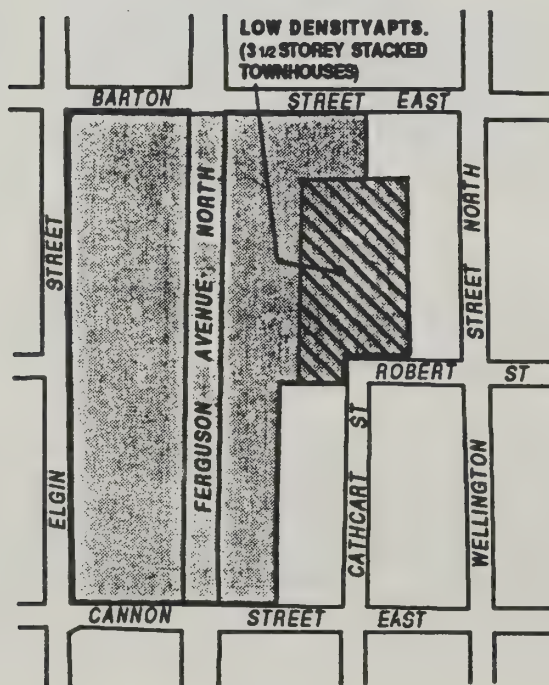
The Department supports a designation of "MEDIUM DENSITY APARTMENTS" on these lands. The lands referred to, as shown on the map above, are to the north and south of the lands designated as "MEDIUM DENSITY APARTMENTS" (ten storey height limit). This designation is appropriate as it will provide a lower form of development to balance the higher development in the area of Ferguson Avenue and Robert Street. A maximum height limit of eight storeys should be established.

iv) *Implementation*

The lands within this designation are currently zoned "H" (Community Shopping and Commercial) District and "JJ" (Limited Heavy Industry) District, modified. Implementation of this designation will require a rezoning to a "DE-2" (Low Density Apartments) District; "DE-3" (Multiple Dwellings) District; or "E-2" (Multiple Dwellings) District as well as an application for site plan control.

e)

**LOW DENSITY APARTMENTS**  
(east and west side of Cathcart Street)





i) *Proposed Land Use Designation - Advisory Committee*

The Advisory Committee recommends development of stacked townhousing to a maximum height of 3 1/2 storeys on the west side of Cathcart Street.

ii) *Submissions Received*

None

iii) *Recommended Land Use Designation*

The lands on the east side of Cathcart Street are owned by Hotz and Sons and were not originally part of the area included within the neighbourhood plan amendment. Since the public meeting on February 10, 1992, a letter was received from Hotz and Sons requesting inclusion of their lands on the east side of Cathcart Street within the amendment area. Such a request has merit as these lands are the last section of industrially designated land within this area of Beasley Neighbourhood and, given the recommended changes to the other industrially designated land, it would be appropriate to review the intended land use for this property.

Currently, the Hotz lands on the east side of Cathcart Street contain an industrial type building that is used by a cabinet maker, a metal contractor, and a shoe manufacturer. The lands are zoned "JJ" (Limited Heavy Industry) District, modified. The lands are surrounded by low-density residential development to the west, south, and east. A redesignation of the Hotz lands to residential would be appropriate given the proposed redesignation of the lands to the west and the existing built pattern in the area. Stacked townhouses, similar to what is proposed for the west side of Cathcart Street would be appropriate. However, as there is an existing industrial building on the site, conversion of this building to residential units would also be appropriate.

The Department supports a designation of "LOW DENSITY APARTMENTS" restricted to stacked townhousing. This would be a similar form of development as proposed for the east side of Elgin Street. This form of development would be appropriate as there are currently attached houses in this area of Cathcart Street, as well as semi-detached dwellings and single-family homes.

iv) *Implementation*

These lands are zoned "JJ" (Limited Heavy Industry) District, modified. Implementation of the neighbourhood plan designation would require a rezoning to "DE" (Low Density Multiple-Dwellings) District as well as an application for site plan control.



### **OTHER SUBMISSIONS RECEIVED:**

A summary of all submission received is contained in APPENDIX "B". In general, there is support for the revitalization of the area through redevelopment and the construction of new housing. A second dominant theme is the anticipation that the redevelopment of the area (and the commensurate population increase) will help solidify the commercial development on Barton Street East. The more specific concerns, as well as the Department's comments, are presented in this section.

#### **a) Parking**

i) Issue: *Increased traffic in the area and on Ferguson Avenue*

Comment: Residential development of a portion of these lands and the mixed use development on Barton Street East will bring more traffic into the area. The mixed use development on Barton Street East will direct its traffic flows onto Barton Street and away from the interior of the neighbourhood. Traffic from the residential development will be directed to Ferguson Avenue, Cannon Street East, and Barton Street East. The City's Traffic Department has indicated that traffic volumes from the development can be accommodated on the existing arterial roads.

ii) Issue: *Shortage of Parking Spaces and Spillover Parking on Adjacent Streets*

Comment: This concern has arisen as the application for rezoning for a portion of the Carter lands is requesting a reduction in required parking. The City's Traffic Department has indicated, in their comments on the rezoning application, that no reduction in parking will be supported for this rezoning.

The lands within the amendment area are not located within the areas designated for reduced parking for commercial purposes as set out in the City's Zoning By-law. Multiple residential development will require the provision of one parking space per unit plus loading spaces as set out in Section 18A of Zoning By-law No. 6593. Individual development applications will have to meet the parking standards of the City's Zoning By-law, as indicated by the City's Traffic Department. Should a reduction in parking be requested for an individual development, area residents will have an opportunity to comment on the request during the rezoning process.



b) Environmental Issues

- i) Issue: *Sunlight access will be blocked due to the height of the apartment buildings*

Comment: Work undertaken by the Planning and Development Department to analyze the sun shadows from the proposed redevelopment indicates that shadows will be cast onto some of the single-family homes on the west side of Elgin Street for approximately one hour per day during the winter. The shadows will be cast from the lower rise buildings fronting on Elgin Street (i.e. the stacked townhouses). Further research has shown that, should the lands be developed for single-family homes, a similar shadowing effect (i.e. one hour per day during the winter) would be experienced by some of the homes on the west side of Elgin Street. The research of the Planning and Development Department also indicates that the apartment buildings will not cast shadows on the existing single-family homes.

- ii) Issue: *Provision of appropriate green space within the amendment area*

Comment: Development for multiple family residential buildings requires a minimum landscaped area be provided under the City's Zoning By-law. For medium and low density apartments, the standard is twenty-five percent of the lot area. However, in certain instances (such as the rezoning for a portion of the Carter lands) greater than twenty-five percent landscaped area is proposed by the developer and this is incorporated into the amending rezoning by-law.

The Zoning By-law is the mechanism by which landscaped area will be required and implemented for each development within the amendment area. At this time, there is no reason to require any landscaped area greater than what is established in the City's standards. However, there may be opportunities for providing additional landscaped area at the time of individual redevelopment.

It should also be noted that the site is directly north of Beasley Park which is designated as the neighbourhood park for this section of Beasley Neighbourhood.

- iii) Issue: *Decommissioning of the area prior to construction*

Comment: The Ministry of the Environment is currently working with Mr. Carter and CN to establish decommissioning plans for their lands. No construction may take place on the lands until such time as the Ministry of the Environment has issued an environmental



clearance certificate. Further, it is the City's practice to hold all amending zoning by-law changes in abeyance or place the land in a holding zone until such time as the applicant has received an environmental clearance certificate from the Ministry of the Environment.

It would be appropriate to include a policy in the neighbourhood plan amendment specifying that decommissioning will be required prior to the finalization of any application for rezoning.

iv) Issue: *Increased Noise*

Comment: The majority of the subject lands are currently vacant. There are, however, some industrial and commercial uses currently present on a portion of the lands. The existing zoning would permit commercial development on the lands zoned "H" (on the west side of Ferguson Avenue) and expansion of the existing industrial uses (on the east side of Ferguson Avenue). While there will be more residents in the area due to the residential development, the residential development will be more compatible with the neighbourhood than what could be built as-of-right in the area under the current zoning (which includes intense commercial development at four times lot coverage as well as industrial uses).

v) Issue: *Green area prior to development*

Comment: Environmental decommissioning will be required prior to any of the lands in the area being developed. Greening of the vacant land (i.e. landscaping) prior to development would be landscaping of a site and then the removal of the landscaping to undertake the required testing of the site and the decommissioning. While a landscaped area would be preferable in the interim, it may not be feasible in that the City has no means to require the landscaping to be undertaken. In addition, private landowners may be unwilling to expend the financial resources required to landscape the area only to have to remove it, again at the landowners expense. The City can, however, through the Property Standards By-law, require the removal of such things as derelict vehicles and garbage from the sites.

c) Neighbourhood Services

i) Issue: *Increased crime*

Comment: Experiences of other high-density development in Beasley Neighbourhood has lead to concern over increased crime due to



redevelopment of these lands for multiple-family development. There are three distinct differences between this proposal and other high-rise developments:

- this proposal supports a mix of tenures within the area whereas Robert Village is entirely rental units;
- this area is to be developed at a much lower density than Robert Village (the highest density will be 50 units to the acre whereas Robert Village is 175 units to the acre); and,
- there is a mix of land uses in the area (commercial and residential) which will support a vibrant community with people moving about at all times of the day.

d) Social

i) Issue: *Too many low income families due to the development*

Comment: The specific rezoning proposal for a portion of the Carter lands is for residential development under the non-profit housing programme. The proponent is also proposing that a portion of the development be for owned units. The non-profit housing programme requires a mix of units, including units rented at market rates. Further, it is unlikely that the Ministry of Housing will approve non-profit allocations leading to a concentration of non-profit units in one geographic area.

It should be noted that the mix of tenures is not something that can be controlled by the regulatory means granted municipalities under the Planning Act.

e) Economic

i) Issue: *Decrease in property values due to development*

Comment: Property value is determined by a number of factors including location and land use. Regarding non-profit housing, evidence from studies done by the Ministry of Housing indicates that the presence of non-profit housing has no effect on property values. In addition, the proposed amendment to the Beasley Neighbourhood Plan will remove both commercial and industrial designations from the area and introduce residential designations more compatible with the existing land uses in the area. The change in land use may, in fact, have a positive effect on property values.



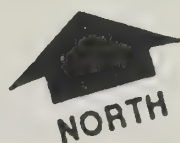
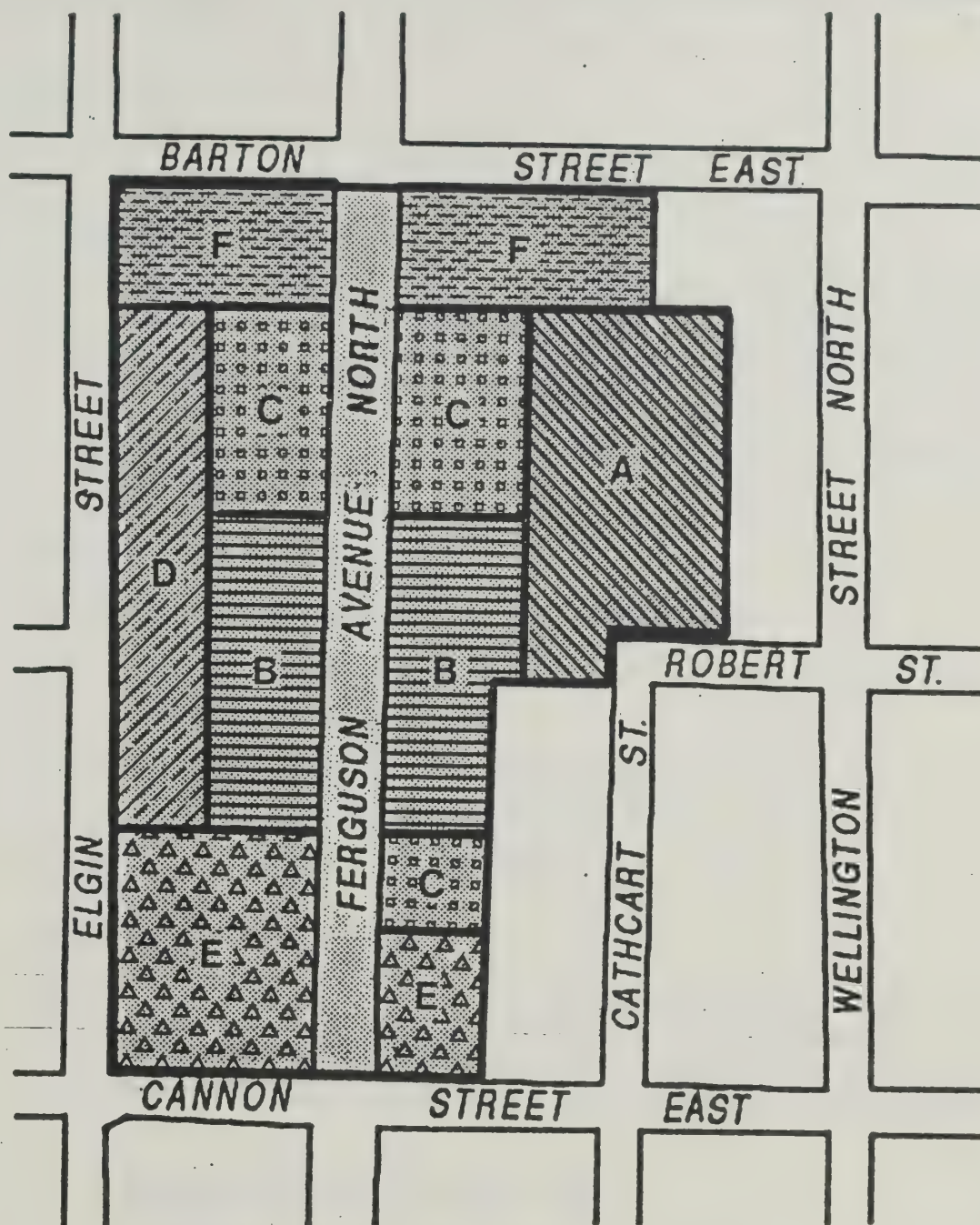
**CONCLUSION:**

In general, the Planning and Development Department concurs with the recommendations of the Joint Carter Square Advisory Committee. The chief area of disagreement is the designation of the lands immediately north of the existing automobile dealership. While the Advisory Committee recommends a designation of "HIGH DENSITY APARTMENTS", the Planning and Development Department recommends a designation of "MEDIUM DENSITY APARTMENTS". The net effect of this difference is to reduce the overall proposed density on these sites from 100 units per acre to an average of fifty units per acre. A second area of disagreement is the issue of commercial uses on Ferguson Avenue. The Planning and Development Department does not recommend, at this time, the designation of this area of Ferguson Avenue for commercial uses as there are ample commercial opportunities available on Barton Street East. However, this matter could be further reviewed in the study of Ferguson Avenue.

The Traffic, Public Works, and Roads Departments have serious concerns about the recommendations contained in the Urban Design Guidelines (APPENDIX "B") of the Advisory Committee's report. As there are outstanding issues to be addressed for the streets in the area (road widening on Cannon Street East; the design of Ferguson and Elgin Streets), it is recommended that the Urban Design Guidelines not be adopted by City Council at this time. However, the Design Guidelines should serve as a reference point for discussion in addressing the outstanding issues for these streets and can also be used in the study of Ferguson Avenue.

On the basis of the foregoing discussion, the neighbourhood plan amendment, as outlined in the attached map marked as MAP "1" and the associated policy guidelines established in APPENDIX "A", should be adopted as the neighbourhood plan amendment for the Carter Square Area of Beasley Neighbourhood.





- |   |   |
|---|---|
| A - LOW DENSITY APTS.<br>(3.5 STOREY STACKED<br>TOWNHOUSES) | D - MEDIUM DENSITY<br>APTS. (3.5 STOREYS) |
| B - MEDIUM DENSITY<br>APTS. (10 STOREYS)                    | E - COMMERCIAL                            |
| C - MEDIUM DENSITY<br>APTS. (8 STOREYS)                     | F - COMMERCIAL & APARTMENTS               |



## **APPENDIX "A"**



## APPENDIX "A"

### LAND USE POLICIES

#### A. Cannon Street

- the commercial designations on Cannon Street should remain. However, there should be no encroachment into the residentially designated area (to the west and east) nor should there be any extension of the commercial designation to the south side of Cannon Street East.
- automotive and related uses along the street could be strengthened through a BIA or similar initiative.

#### B. Elgin Street (east side)

- stacked townhouses of 3 to 3 1/2 storeys in height.
- townhouse blocks should provide breaks to allow pedestrian access to the interior of the block.
- the design of the stacked townhouses should reflect that of the existing development on the west side of Elgin Street.
- a mix of housing tenures is encouraged.

#### C. Pedestrian Extension of Robert Street

- a pedestrian link to Ferguson as an extension of Robert Street is appropriate. This requires the establishment of the walkway between Elgin and Robert Streets and its continuation east from Ferguson Avenue to the existing alley. The preferred alignment between Elgin and Ferguson is along the existing sewer easement.
- stacked townhousing to the mid-block.
- appropriate separation should be provided to create a quality landscaped area.

#### D. Barton Street

- mixed commercial/residential uses are recommended. The ground floor level should be used for commercial purposes to reflect the use of Barton Street to the East and West.
- height along Barton should be limited to 2 storeys at the street level with residential structures could be set back to a maximum height of 8 storeys in total.



## APPENDIX "A"

### E. Ferguson Avenue

- A maximum height of ten storeys was identified as appropriate around a central focal point on Ferguson (where Ferguson Avenue intersects with the pedestrian extension of Robert Street). All other buildings should be restricted to a maximum of eight storeys.
- a mix of housing tenures is encouraged.

### F. Cathcart Street

- stacked townhousing should be permitted on the west side of the street.
- stacked townhousing or conversion of the existing industrial building to residential use should be permitted.

### G. Soil Decommissioning

- soil studies to identify soil contamination on all sites within this area will be required. In addition, prior to the finalization of every application for development, decommissioning, to the satisfaction of the Ministry of the Environment, will be required.

### H. Ongoing Stakeholder Consultation

- stakeholders (such as area residents) should continue to be consulted as the development of the area takes place to ensure that their concerns, including the policies and urban design guidelines outlined in the report of the Joint Carter Square Advisory Committee, are addressed. This will aid in the implementation of the amendment.



## APPENDIX "B"



### Summary of Issues from Public Submissions

**Issue Category:**

## Citizens

**Beasley Neighb.  
Association**

### Land Use

New housing will revitalize the area	81	X
Low-density residential on entire site/opposed to high-rises	17	X
Against a downtown automotive corridor	10	X
Too dense development	8	
Restrict Height to 3 storeys on Elgin Street (or less)	8	
Restrict Height to 4 storeys on Ferguson Avenue	5	
Designate automotive uses for residential development	3	X
Heights setting precedent on Ferguson Avenue	3	
Support new housing on vacant industrial/commercial land	3	X
Concern that Mill Paper Fibres won't participate	2	
Retain existing commercial development on Barton Street	1	
Promote speedy development of area	1	
Involve all landowners in process, development	1	
Heritage - restoration and preservation of existing buildings	1	
Development would beautify the neighbourhood	1	
Support high-rise development	1	

### **Traffic and Parking**

Traffic volume in the area/on Ferguson Avenue	14	X
Spillover parking on neighbourhood streets	7	X
Shortage of Parking Spaces	7	
Safe design of parking structures/safety In underground parking	5	X
Supports underground parking	1	

### Environmental

Access to sunlight by existing buildings will be blocked	5	
Provide appropriate green space; need green space in area	4	
Decommissioning of area prior to construction	3	X
Increased noise due to development	3	
Green land prior to development	3	X
Pollution from automobiles	1	

### Neighbourhood Services

Increased crime	21		X
Insufficient school capacity for children	7		
Tax existing services (e.g. police)	1		

**Social**

Too many low income families(people) due to development	16	
Support home ownership &/or a mix of tenure in the area	14	X
Don't want another Robert Village/ghetto	13	X
Housing will be unaffordable	2	
Nice people occupy non-profit housing	1	

## Economic

Welcome increased population to assist business in the area	44
Decrease in property values due to development	8
Increase in taxes due to development	2
Increase property values due to development	1

<b>Total Number of Submissions</b>	133	1
------------------------------------	-----	---



MAR 17 1992

DATE: MARCH 16, 1992

9.2(a)

TO: MS. TINA AGNELLO, SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE

FROM: JAMES C. DRAKE  
CENTRAL/BEASLEY P.R.I.D.E.  
JOINT CARTER SQ. ADVISORY COMMITTEE

SUBJECT: BEASLEY NEIGHBOURHOOD PLAN AMENDMENT  
FILE NO. PS-2-10A  
AND ZONING APPLICATION ZA 61-91

### RECOMMENDATION:

THAT THE CURRENTLY PROPOSED NEIGHBOURHOOD PLAN  
AMENDMENT "CARTER SQUARE" BE:

- 1) DENIED, OR,
- 2) TABLED TO CO-INCIDE WITH THE UPCOMING NEIGHBOURHOOD  
PLAN REVIEW.

AND THAT THE REQUEST FOR A ZONING CHANGE ZA 61-91  
BE DENIED.

### BACKGROUND:

BASED ON WRITTEN SUBMISSIONS FROM THE PUBLIC THE  
PLANNING DEPT. DRAFTED A REPORT WHICH OUTLINES  
FAIRLY WELL WHAT THE RESIDENTS WOULD LIKE TO SEE  
ON THE SUBJECT LANDS. THE PROPOSALS CONTAINED  
THEREIN ARE ALSO VERY LIKELY THE MORE SUSTAINABLE  
AS OPPOSED TO THE CURRENT CARTER PROPOSAL. (FIND  
PLANNING DRAFT AS SCHEDULE A)

THE CARTER SQ. ADVISORY COMMITTEE SUMMARILY  
DISCARDED THIS DRAFT REPORT. SO MUCH FOR PUBLIC  
PARTICIPATION. AS THE ONLY MEMBER OF THAT COMMITTEE  
REPRESENTING THE PUBLIC VIEW, I MUST OPPOSE THE  
POSITION ADOPTED BY THE CARTER SQ. ADVISORY COMMITTEE.  
ANY NOTION THAT THE PROCESS USED BY THAT COMMITTEE  
WAS CONSULTATIVE, DOES NOT INCLUDE THE CONCERNS  
OF RESIDENTS.

THE ARCHITECTURAL GUIDELINES ARE A COMPLETE HOAX



FOR SUCH A LARGE PROJECT I AM CONCERNED THAT NOT ALL OF THE OWNERS WERE PRESENT AT THE TABLE WHICH LEAVES THEIR COMMITMENT LEVEL AS SUSPECT.

WE DON'T NEED TO APPROVE MORE PROJECTS THAT DON'T GET OFF THE GROUND. THE NEIGHBOURHOOD PLAN IS CURRENTLY UP FOR REVIEW. WHAT'S THE RUSH. ARE YOU AFRAID OF WHAT A COMMITTEE OF CITIZENS (BEASLEY RESIDENTS) MIGHT DO.

THE PROPOSAL CONTAINS ELEMENTS THAT ARE TOO HIGH THE OVERALL DENSITY IS TOO GREAT.

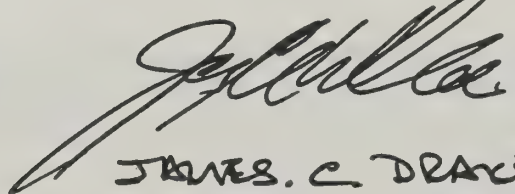
THE AMOUNT OF NON PROFIT HOUSING PROPOSED IS UNDESIRABLE (CATER 2.5 ACRES - CN 5.0 ACRES) ANTICIPATED PROBLEMS ARE INCREASED CRIME RATES, COMPOUNDED PARKING PROBLEMS - SAFETY IN UNDERGROUND GARAGES. DEMAND ON SCHOOLS AND OTHER AGENCIES.

THE PROPOSAL DOES NOT CONFORM WITH THE EXISTING NEIGHBOURHOOD PLAN WHICH IS GOOD AND WHICH IS WHY THE NEIGHBOURHOOD PLAN SHOULD NOT BE AWAILED UNTIL ALL OF THE ANCILLARY QUESTIONS HAVE BEEN LOOKED AT.

- EXISTING BUILT FORM - LOW-DENSITY
- SOCIO-ECONOMIC DEMOGRAPHICS - EXISTING.
- TRENDS - TRANSIENCY IN RENTAL POPULATION

I LOOK FORWARD TO DISCUSSING THESE AND MORE AT YOUR MEETING ON MARCH 25, 1992

RESPECTFULLY YOURS

  
JAMES C. DRACE.



# CARTER SQUARE PROPOSAL

## Summary of Submissions

(October 23, 1991)

APPENDIX "A"

CONCERNS	SUBMISSIONS		COMMENTS FROM ORGANIZATIONS					
	# of comments (total 45)	% of total	Planning Dept.	Public Works	Traffic Dept.	C.N. Rail	Sep. School Board	Con./Beas. C.A.C.
Generally Opposed To								
<i>Increase in:</i>								
a) population density	32	71						X
b) traffic	30	67						
c) crime rate (already a concern)	29	64						
d) property taxes	29	64						
e) hazard during development	29	64						
<i>decrease in:</i>								
a) parking spots	30	67						
b) area beauty (landscape)	29	64						
c) sun light due to tall buildings	30	67						
Downtown Area Residents Needed	2	4						
Need for Affordable Housing	1	2						
Strict Guidelines for:								
a) building height	2	4		X				
b) types of permitted residential	1	2						
Does not conform to Central Area Plan	1	2						
Increase-in Absentee Landlords	2	4						
Fewer Owner Occupied Dwellings	2	4						
Adverse Affects on Adjacent Land Uses	2	4						
More Ind. Land Should be Rezoned to Res. or Res./Comm. Mix	1	2						
Increase in Drug Related Crimes	1	2						
Increased Number Welfare Recipients	1	2						
Little Benefit to Business Community	1	2						
Development Details Should be Known	2	4						
Affected Land Owners Kept Informed	3	7		X		X	X	
Maintain Beasley Park Frontage	1	2						X
Compatability With Existing Housing	1	2			X			
Impact of Increased Traffic on Ferguson Avenue, South of King Street	1	2			X			
Proposal Subject to Site Plan Control	1	2			X			
Increased Employment Opportunities	1	2		X				
OPA 66 Not Yet Approved	1	2	X					
Extend Review Area Boundary	1	2	X					
Industrial Site Decommissioning	1	2	X					
Impacts on Soft Services such as: Schools, Parks, Police	1	2	X					



## CARTER SQUARE

### Neighbourhood Plan Amendment's Issues Paper

The following is a summary of the issues regarding the proposed amendment to the Beasley Neighbourhood Plan for the area known as "Carter Square". Related to the proposed amendment is an application for rezoning for a portion of the lands within the Carter Square area (see attached map). The rezoning application is currently being circularized and reviewed by the Planning and Development Department. The issues discussed in this paper set the parameters for reviewing the merits of this application and other future applications for development from a neighbourhood planning perspective. Further, as the development of one portion of the lands within Carter Square will affect the future development pattern of the area, it is important that the current rezoning application and the requested neighbourhood plan amendment be reviewed in tandem.

#### 1. Mix of Housing Tenure

Concern has been expressed by residents in the neighbourhood about existing geographic concentrations of non-profit housing and the associated social problems. The proposed density of 478 non-profit housing units (on the lands to be rezoned under application ZA-91-61) and development of the balance of lands within the amendment's boundaries could conceivably be for non-profit housing as well thus introducing a large concentration of non-profit housing into a very small geographic area within the Beasley Neighbourhood. Problems arise within the neighbourhood as such concentrations negatively affect the surrounding community as well as create a residential environment within the project itself that is problematic for its residents. A concentration such as that proposed for the site of the rezoning (478 units) would negate the integration that is emphasized by current policy of the Ministry of Housing. The proposed development of the Carter lands for non-profit housing under ZA-91-61 at this density is too great and concentrated and therefore is not acceptable. Although there are no planning controls respecting tenure, development within the Carter Square area should provide for a mix of housing including cooperative housing, rental accommodation, and ownership (condominium).

#### 2. Compatibility and Urban Fit

The height and density of development must be incorporated into the neighbourhood and the surrounding land uses in a manner that does not compromise the quality of the existing neighbourhood and, in effect, strengthens the existing community. Redevelopment of the lands within the Carter Square area should enhance the neighbourhood and not detract from it.

This area of Beasley Neighbourhood is characterized by many uses ranging from single-family detached homes to heavy industrial. Compatibility with the existing land use



## DRAFT

pattern must be achieved and, where incompatible uses remain, adequate separation of uses and buffering must be provided. This is of particular concern for residential uses located in proximity to commercial and industrial uses.

Further, the area comprising Carter Square is located at the periphery of the Central Area of the City of Hamilton and not in the Downtown Core. Development of these lands should reflect the location within the Central Area and should be at a scale and height appropriate for this location.

The following objectives should be achieved:

- a) The lands fronting on Elgin Street must respect the low-density single-family residential uses on the west side of Elgin Street. The ideal use would be low-density housing at a height of two to three storeys.
- b) Lands fronting on Barton Street must integrate within the existing developed form of Barton Street. Height should be two storeys; ideally commercial uses would be on the ground floor with residential units above. The existing commercial/residential development on Barton Street should be the reference point for development along Barton Street. Development of this area should be in character with the existing development in terms of height, building facade, use, and depth of commercial development.
- c) Ferguson Avenue is to be the major pedestrian and bicycle access from the Escarpment to the Bay. Development along Ferguson Avenue should be at a scale that does not introduce excessive traffic onto Ferguson Avenue in order that the ongoing City initiatives to establish the pedestrian and cyclist nature of the street are not compromised. Further, the pedestrian aspects of Ferguson Avenue should be emphasized with development that is at a human scale at the street level. Proposals for development at a height greater than 2-3 storeys must demonstrate integration with the activity at the street level. The height should not exceed 4-6 storeys. The use of these lands should be residential.
- d) The industrial lands on Cathcart Street adjoin single-family low-density residential homes to the south and industrially used land to the east. Redevelopment of these lands must respect the existing residential fabric to the south while protecting any redevelopment from the remaining industrial uses. Development should be at a scale of 2-3 storeys and residential in nature.
- e) Development of the lands fronting on Cannon Street must demonstrate integration with Beasley Park and the existing low-density residential development. Height should be at a scale of 2-3 storeys. Commercial uses should be permitted on the Cannon Street on the lands currently developed for the Carter automobile dealership only. No extension of the commercial



## DRAFT

designation should be permitted along the Cannon Street frontage beyond this designation on either side of Cannon Street and specifically should be prohibited from the area designated for Beasley Park.

Development of all lands must implement the compatibility policies of Official Plan Amendment No. 66, particularly policy 4.10.1.

### 4. Density/Scale

Density on the residentially designated land should be compatible with the existing residential development in the area. This translates to figures of approximately twelve units per gross acre for attached housing and twenty-four units per gross acre for the multiple-family dwellings.

Scale of the proposed development should respect the existing built form of the area. Accordingly, redevelopment should demonstrate compatibility in terms of height, density, scale, massing of buildings, and setbacks.

### 5. Environmental Issues

As some of the development is proposed on former industrial land, decommissioning to the satisfaction of the Ministry of the Environment must be undertaken prior to any development approvals. In addition, noise studies and air pollution studies should be undertaken in order that any proposed residential development is not negatively impacted by the existing industry that is outside the boundaries of the proposed amendment.

### 6. Movement

Through automobile traffic on Elgin Street, Robert Street, and Cathcart Street should be discouraged. These streets should emphasize local automobile traffic only. Major automobile traffic should be directed to Barton and Cannon Streets.

Pedestrian and cyclist traffic are being emphasized on Ferguson Avenue through ongoing City initiatives and the Ferguson Avenue Committee. Respect for these initiatives should be provided through limited automobile traffic on Ferguson Avenue. Therefore, limited access points should be permitted on Ferguson Avenue.

Further, the Ferguson Avenue Committee should continue to be involved in the ongoing initiatives by the City for Ferguson Avenue improvements as well as reviewing the neighbourhood plan amendment requested to ensure any redevelopment within the Carter Square area does not compromise the work planned for Ferguson Avenue.

### 7. Community Services



## DRAFT

Redevelopment of these lands for residential purposes will increase the population of the area. New residents may require social and community services such as day care centres, outdoor play space, indoor play space, supportive living environments, and community centres, as examples. The service needs of the new residents should be evaluated as part of the redevelopment in order for their needs to be incorporated into the redevelopment.

The existing social service opportunities within Beasley Neighbourhood should be enhanced by the Carter Square redevelopment. More importantly, the Carter Square redevelopment must not burden the existing community services. The Carter Square redevelopment must contribute to the social and community services required within Beasley Neighbourhood.

### 8. Future Development

The application for rezoning for a portion of the Carter lands has been submitted to the City. Further information must be provided by the proponents to address the issues outlined in this paper for both the neighbourhood plan amendment and the rezoning application in order to properly assess the current rezoning application. Future details on the type, scale, building height, future intended uses, and the fit of the proposed development with the existing built form of the neighbourhood are required. The neighbourhood plan amendment and the rezoning application are deficient in this information. Any significant revisions to the requested neighbourhood plan amendment should be reviewed by the Planning and Development Department and the Carter Square Advisory Committee.

### 9. Process

There are several ongoing initiatives related to the proposed Carter Square amendment. These include: the Central/Beasley P.R.I.D.E. work; the Central and Beasley Neighbourhood Plan reviews; proposed Official Plan Amendment No. 66; and the application for rezoning for part of Maurice Carter's lands. Each of these items has a separate process involved. Communication between the parties involved in each process is crucial to resolving all issues identified in the neighbourhood amendment process.

Official Plan Amendment No. 66 is awaiting a hearing in front of the Ontario Municipal Board and thus is not approved. However, the policies of that document contain the current policy of Council respecting the Central Area and should be respected in the neighbourhood plan amendment.

The neighbourhood plan amendment and the rezoning application should proceed to the Planning and Development Committee concurrently as they are related issues. Concurrent applications are easier for the public to assess and provide a response. Consultation with the parties involved in the P.R.I.D.E. initiatives, the Ferguson Avenue



## DRAFT

designation should be permitted along the Cannon Street frontage beyond this designation on either side of Cannon Street and specifically should be prohibited from the area designated for Beasley Park.

Development of all lands must implement the compatibility policies of Official Plan Amendment No. 66, particularly policy 4.10.1.

### 4. Density/Scale

Density on the residentially designated land should be compatible with the existing residential development in the area. This translates to figures of approximately twelve units per gross acre for attached housing and twenty-four units per gross acre for the multiple-family dwellings.

Scale of the proposed development should respect the existing built form of the area. Accordingly, redevelopment should demonstrate compatibility in terms of height, density, scale, massing of buildings, and setbacks.

### 5. Environmental Issues

As some of the development is proposed on former industrial land, decommissioning to the satisfaction of the Ministry of the Environment must be undertaken prior to any development approvals. In addition, noise studies and air pollution studies should be undertaken in order that any proposed residential development is not negatively impacted by the existing industry that is outside the boundaries of the proposed amendment.

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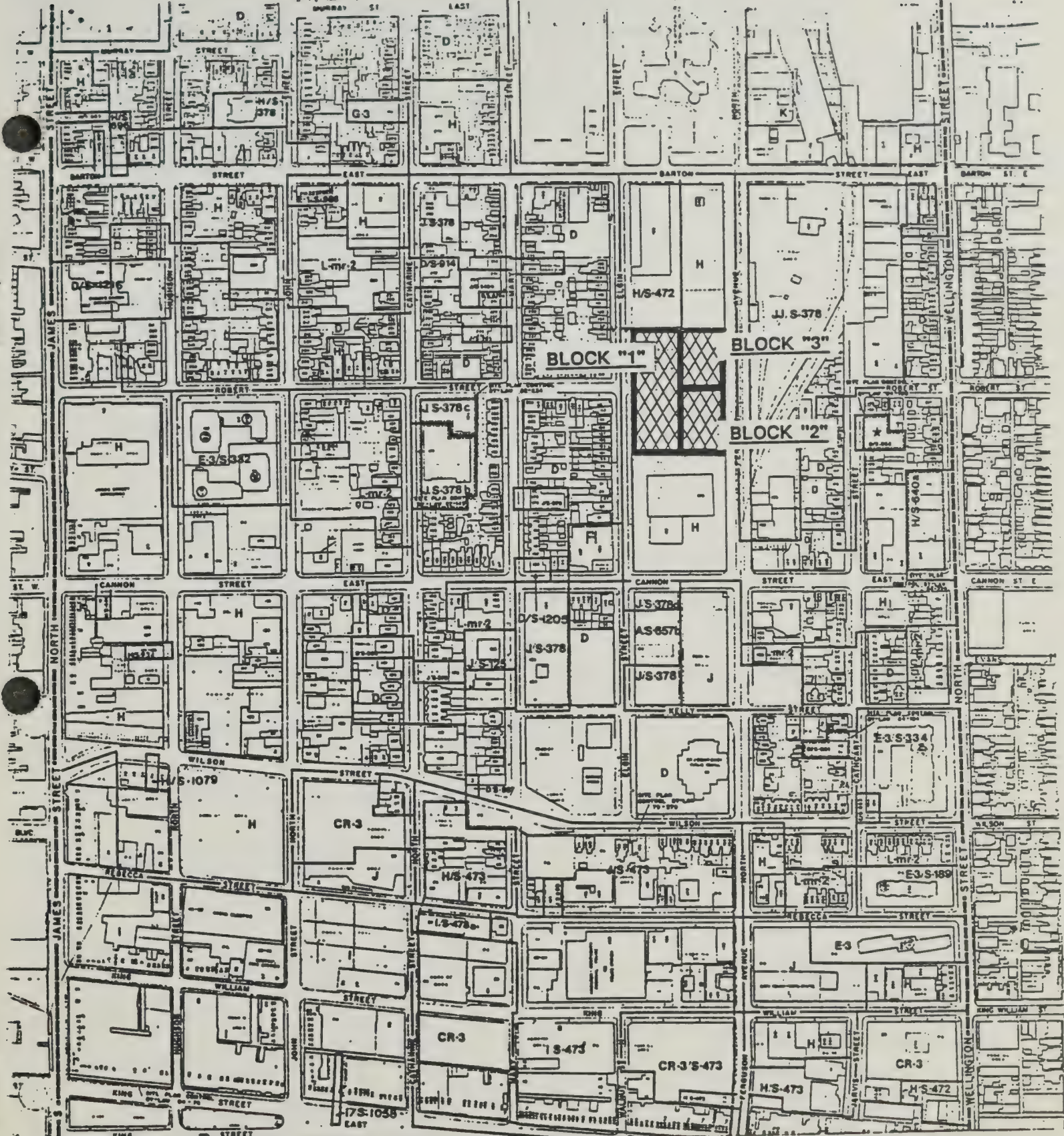


**DRAFT**

initiatives, and the Central/Beasley Neighbourhood Plan reviews must be undertaken.

**MLT:dkp**





## LEGEND

### Change In zoning from:



"H" (Community Shopping and Commercial, etc.) District to  
 "E-3" (High Density Multiple Dwellings) District modified.

### Proposed uses:

Block "1": A 4-storey, 60 unit stacked townhouse development.  
 Block "2": A 20-storey, 228 unit senior citizens apartment building.  
 Block "3": A 20-storey, 190 unit apartment building.

ZA-91-61







BEASLEY NEIGHBOURHOOD ASSOC.  
46 KEN HASTINGS  
179 WILBY ST  
HAMILTON ONT  
L8L 4V9

MARCH 16 1992

9.2b

MAR 19 1992

TINA AGNELLO  
SECRETARY  
PLANNING & DEVELOPMENT COMMITTEE  
CITY HALL  
HAMILTON ONT

MS. AGNELLO

THE BEASLEY NEIGHBOURHOOD ASSOCIATION RESPECTFULLY  
REQUESTS TO BE INCLUDED AND REQUESTED TO GIVE  
A PRESENTATION ON BEHALF OF ITS MEMBERS AT THE  
PLANNING AND DEVELOPMENT COMMITTEE "CARTER SQUARE"  
MEETING, MARCH 25, 1992

KEN HASTINGS  
VICE PRESIDENT  
BEASLEY NEIGHBOURHOOD  
ASSOCIATION

K. Hastings

RES. 5292503  
BHS. 5443761 EXT 6379







CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1992 March 13  
ZA-91-61  
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary  
Planning and Development Committee

FROM: Mr. J. D. Thoms  
Commissioner of Planning and Development

SUBJECT: Request for a rezoning - Lands Located Within the Block  
Bounded by Cannon Street East, Elgin Street, Barton  
Street East and Ferguson Avenue North.

RECOMMENDATION:

1. That amended Zoning Application 91-61, Maurice C. Carter Holdings Limited, owner, requesting a change in zoning from "H" (Community Shopping and Commercial) District to "E-3" (High Density Multiple Dwellings) District modified for Blocks "1", "2" and "3", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Blocks "4" and "5", to permit a multiple family residential development for property located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A", be **DENIED** for the following reasons:
  - i) it conflicts with the proposed Beasley Neighbourhood Plan amendment which designates the lands for "Medium Density Apartments"; and,
  - ii) high density residential development would be out of character with existing residential development in the surrounding area which is predominated by one and two family dwellings to the west and further to the east.
2. That approval be given to a further amended Zoning Application 91-61, Maurice C. Carter Holdings Limited, owner for a change in zoning from "H" (Community Shopping and Commercial) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District modified, for Blocks "1", "2" and "3", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Blocks "4" and "5", to permit a multiple family residential development for property located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A", on the following basis:
  - i) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until:
    - a) notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed;



- b) the applicant has applied for and received Site Plan approval for Blocks "1", "2" and "3"; and,
- c) the applicant has placed a warning clause on title as per CN's requirement, to the satisfaction of the City's Law Department.

City Council may remove the "H" symbol and thereby give effect to the "E" District provisions as stipulated in this By-law by enactment of an amending By-law once the conditions are fulfilled.

- ii) That Blocks "1", "2" and "3" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "E"-H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District;
- iii) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, as contained in Section 11 of Zoning By-law No. 6593, applicable to Blocks "1", "2" and "3" be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 11(2) of By-law No. 6593:
    - 1) a maximum height of ten (10) stories shall be permitted for Blocks "2" and "3"; and,
    - 2) a maximum height of four (4) stories shall be permitted for Block "1".
  - b) That notwithstanding Section 11(3) of By-law No. 6593, the following yards shall be provided and maintained:
    - 1) no buildings or structures shall be located less than 1.5 metres from Ferguson Avenue;
    - 2) no buildings or structures shall be located less than 4.5 metres from Elgin Street; and,
    - 3) no setbacks shall be required from the north and south lot lines except where there is a balcony, sunroom or any window of a habitable room overlooking the side yard, a minimum 3.0 metres shall be required;
  - c) That notwithstanding Section 11(6), an area of not less than 45% of the lot area shall be provided and maintained as landscaped area; and,
  - d) That notwithstanding Section 18(8) of By-law No. 6593, the following distance separations shall be permitted:
    - 1) a minimum of 7.0 metres between buildings facing Elgin Street;
    - 2) a minimum of 10.5 metres between buildings facing Ferguson Avenue;



- 3) a minimum of 4.5 metres between the easterly and westerly wall faces of interior buildings; and,
  - 4) a minimum of 10.5 metres between the northerly and southerly exterior wall faces of interior buildings.
- iv) That the "H" (Community Shopping and Commercial, etc.) District regulations, as set out under Section 14 of By-law No 6593, applicable to Blocks "4" and "5", be modified to include the following variance as a special requirement:
    - a) That notwithstanding Section 14(1) of By-law No. 6593, no building or structure shall be permitted;
  - v) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S- ; and that the subject lands on Zoning District Map E-3 be notated S- ;
  - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-3 for presentation to City Council; and,
  - vii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

#### ***EXPLANATORY NOTE:***

The amending By-law establishes the holding provisions of Section 35(1) of The Planning Act, R.S.O. on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed. Further the applicant is required to apply for, and receive approval of a Site Plan for Blocks "1", "2" and "3", and place a warning clause on title as per CN's requirement, to the satisfaction of the City's Law Department. Removal of the holding restriction shall be conditional upon:

- notification being received from the Ministry of Environment that the decommissioning process has been satisfactorily completed;
- the applicant has applied for and received Site Plan approval for Blocks "1", "2" and "3"; and,
- the applicant has placed a warning clause on title as per CN's requirement, to the satisfaction of the City's Law Department.

City Council may remove the "H" symbol and thereby give effect to the "E" District provisions as stipulated in the amending By-law outlined below once the conditions are fulfilled.

The purpose of the By-law is to provide for a rezoning from "H" (Community Shopping and Commercial, etc.) District to "E"- 'H' (Multiple Dwellings, Lodges, Clubs, etc. - Holding) District modified (Blocks 1, 2 and 3), and provide a modification to the "H" (Community

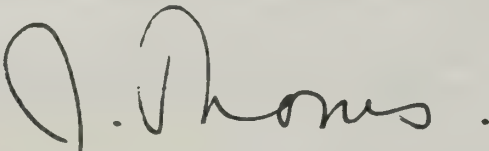


Shopping and Commercial, etc.) District (Blocks 4 and 5) for property located within the block bounded by Cannon Street East, Elgin Street, Barton Street East, and Ferguson Avenue North, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for multiple family residential uses (e.g. stacked townhouses, apartments). In addition, the by-law includes variances to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations to provide for:

- a maximum height of 4 stories for Block "1", whereas 8 stories are permitted, and a maximum of 10 stories for Blocks "2" and "3", whereas a maximum of 12 stories is permitted;
- a minimum front yard on Ferguson Avenue of 1.5 metres, whereas 7.5 metres is required;
- a minimum front yard on Elgin Street of 4.5 metres, whereas 5.59 metres is required;
- a minimum side yard (north and south) of 0.0 metres where there is no balcony, sunroom or any window of a habitable room, whereas 6.49 metres is required. Where there is a balcony, sunroom or any window of a habitable room, the minimum side yard shall be 3.0 metres, whereas 10.99 metres is required;
- a minimum of 45% of the lot area shall be provided and maintained as landscaped area, whereas a minimum of 25% of the lot area is required; and,
- minimum building separation distances for:
  - a minimum of 7.0 metres between buildings fronting on to Elgin Street, whereas 6.1 metres is required;
  - a minimum of 10.5 metres between buildings fronting onto Ferguson Avenue, whereas 17.15 metres is required;
  - a minimum of 4.5 metres between easterly and westerly wall faces of interior buildings, whereas 6.1 metres (easterly) and 17.75 metres (westerly) is required; and,
  - a minimum of 10.5 metres between northerly and southerly exterior wall faces of interior buildings, whereas 6.1 metres is required.

Further, the "H" (Community Shopping and Commercial, etc.) District regulations applicable to Blocks "4" and "5" are modified to include a variance to prohibit any building or structure in a 9 metre strip of land adjacent to the subject lands.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**J. J. Abraham, M.C.I.P.**  
**Director of Local Planning**



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- On June 17, 1991, an application for an amendment to the Beasley Neighbourhood Plan was received for an area bounded by Elgin Street on the west, Cannon Street East on the south, Barton Street East on the north and lands fronting on to the east side of Ferguson Avenue, including the subject lands. The proposed amendment included 2 to 4 storey stacked townhouses fronting on the east side of Elgin Street (Block "1" - APPENDIX "A") and apartment development fronting on the west side of Ferguson Ave. (Blocks "2" and "3" - APPENDIX "A"). On September 4, 1991, a Public Meeting was held to provide area residents with an opportunity to comment on the proposed amendments.
- The subject rezoning application was received on October 10, 1991. The original application was to rezone the subject lands to "E-3" (High Density Multiple Dwellings) District modified, to develop a four storey, 60 unit stacked townhouse development fronting onto Elgin Street, and two 20 storey apartment buildings (one with 228 senior citizens apartments and one with 190 family apartments) fronting on to Ferguson Ave., with an overall floor area ratio of four times coverage. The application was subsequently amended to a total of 60 stacked townhouse units (two blocks fronting on Elgin Street and two blocks in the interior) of 3.5 stories (12.2 m) in height and two ten storey apartment buildings (one 110 unit building and one 92 unit building) fronting on to Ferguson Avenue, with a total FAR of 2.56 times coverage (See Appendix "B").
- On December 12, 1991, the rezoning application was tabled at the applicant's request until various issues associated with the Neighbourhood Plan Amendment application were resolved.
- The Planning and Development Committee, at their meeting of January 8, 1992 authorized a public meeting be held to consider the Neighbourhood Plan amendment application. The subject rezoning application and the Neighbourhood Plan amendment are being considered at the same meeting.

**APPLICANT:**

Maurice C. Carter Holdings Limited, owner.

**LOT SIZE AND AREA:**

The lot has approximately:

- 116.0 m (380') of frontage on Ferguson Avenue North and Elgin Street; and,
- an area of 1.032 ha (2.55 acres).



**LAND USE AND ZONING:**

	<u>Existing Land Uses</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Automotive Sales, Leasing, Service	"H" (Community Shopping and Commercial, etc.) District
<u>Surrounding Lands</u>		
to the north	Brewer's Retail, Associated Warehousing and Parking	"H" (Community Shopping and Commercial, etc.) District and "H" (Community Shopping and Commercial, etc.) District modified.
to the south	Car dealership	"H" (Community Shopping and Commercial, etc.) District
to the east	Vacant - former railway lands	"JJ" (Restricted Light Industrial) District modified
to the west	Single Family and Two Family Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated **CENTRAL POLICY AREA** on Schedule A - Land Use Concept of the Official Plan. The following policies amongst others should be noted:

- "A.2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule "A", will be for the following uses:
- ii) Residential Uses of various types, including, but not limited to, single-family detached, semi-detached, row and apartment housing, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7.
- A.2.8.2 The location of uses permitted within the CENTRAL POLICY AREA will be identified and detailed through the preparation of a Neighbourhood Plan.



- A.2.8.9 It is the intent of Council that the character and function of the CENTRAL POLICY AREA be enhanced. Specifically, Council will:
- v) Encourage proponents of development or redevelopment, including the infilling of vacant lots, to ensure sensitive integration of the proposal with the scale and character of adjacent structures. Accordingly, Council will encourage the compatibility of building height, setback, material and building lines with adjacent structures;
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
  - iii) Improvement and maintenance of street landscaping;
  - vii) The maintenance of adequate separation distances and the placement of buffering features between RESIDENTIAL and Industrial Uses; and,
  - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.



C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;"

In addition to the foregoing, the subject lands are within *SPECIAL POLICY AREA 3*. The following policies also apply:

"A.2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as *SPECIAL POLICY AREA 3* on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;
- v) It is intended that Residential development or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses;
- vi) Council will require, when considering a proposed high-density Residential development or redevelopment in this AREA, the provision of the maximum useable open space on-site;
- vii) Council will encourage high-density Residential developments or redevelopments which utilize innovative design alternatives to the "high-rise" apartment structure, while maintaining desirable standards for bulk, setbacks and landscaping."

The proposal complies with the intent of the Official Plan, provided compatibility can be achieved among adjacent uses.

The subject lands are also within the area covered by Official Plan Amendment No. 66. It proposes:

- to redesignate the subject lands from "Central Policy Area" to "Residential" on Schedule A - Land Use Concept; and,
- to designate the subject lands "Neighbourhood Residential" on Schedule A-1 - Central Area Land Use Strategy.



This proposal complies with the intent of proposed Official Plan Amendment No. 66. This amendment, however, has been referred to the Ontario Municipal Board and is awaiting a hearing date to be set by the Board.

### **NEIGHBOURHOOD PLAN:**

The subject lands are designated "Commercial" on the approved Beasley Neighbourhood Plan. A recommendation to redesignate this to "Medium Density Apartment" is being considered as a separate matter. The proposal to rezone the subject lands to "E-3" modified reflects "High Density Apartments" and therefore, does not comply with the recommendation for "Medium Density Apartments".

### **COMMENTS RECEIVED:**

The following comments have been received from various departments and agencies:

- the Hamilton Region Conservation Authority and GO Transit have no objection to the proposal;
- the Public Works Department advises;

"We are pleased to see that the Zoning Application has been amended to reduce the building heights particularly on Ferguson Avenue, although, we are not prepared to comment on the impact of the new building heights on the rest of the neighbourhood. We are also pleased to see that an east/west continuation of Robert Street appears to be provided at least inasmuch as it could form a pedestrian connection through the new residential development. Our concerns would now turn to issues associated with landscaping/streetscaping around the perimeter of the site. As you know, Ferguson Avenue has been proposed for redevelopment in 1993. It will be extremely important to coordinate the Carter Square construction in order that one development enhances or echoes the other. These same issues will therefore be applicable to Elgin Street particularly, as well as Cannon and Barton in the future.

We will also be interested to see the recreation/green space facilities that will be provided for the residents on site."

- the Hamilton Street Railway advises that:

" The location of the proposed development is within our service standard of 400 meters walking distance to a bus stop if we locate new bus stops on Barton Street between Elgin Street and Ferguson Avenue...."

- CN advises that:

"We have reviewed your letter...regarding the above application and offer no objection. However, it appears that our tracks fall within 300 metres of the proposed development. Hence, we request that the Owner insert in all offers of sale and purchase or lease and register on title to the land, the following clause:

'Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There



may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operation on, over or under the aforesaid right-of-way."

- the Hamilton-Wentworth Engineering Department advises that:

"All storm water should be directed into the trunk storm sewer on Robert Street. The sanitary sewage can be directed into the sanitary sewers on Barton Street or Cathcart Street.

The major water feeds to the subject area are from the trunk watermain on Barton and Wilson Streets...

We have reviewed the neighbourhood plan with respect to our road widening requirements and advise that Barton Street and Elgin Street are established at 20.12 m. Therefore no further widenings on these roadways are anticipated. Ferguson Avenue is presently established at 24.384 m and no further road allowance widenings are required unless it is required for special landscaping and road design...

Any works which may occur within the respective road allowances, must conform to the City of Hamilton Streets By-law.

We recommend that these lands be developed through site plan control in order that we can provide detailed comments on grading, building location, access, sight distances, access grades, landscaping, the requirement for encroachment agreements or other agreements with the City/Region etc.

The City Traffic Department is to comment on access, access design, loading, manoeuvring etc. It would appear from the plans submitted that the applicant intends to build to the property line and in so doing, sight distances etc. for motorists entering the roadway are limited. The setbacks from Ferguson Avenue are minimal and we suggest that the buildings be setback a minimum of 3.048 m from Ferguson Avenue.

We will also require 5 m x 5 m daylight triangles between accesses to all parking areas above ground or underground and the street line in which the maximum height of objects, vegetation etc. is not to exceed a height of 0.60 m above perpendicular centreline elevation of the adjacent streets. We also require that the maximum grade of the access ramps with the road allowance not exceed 2% and 5% for the first 7.5 m on private property. We also recommend that the driveways be setback from the north and south property line to ensure adequate visibility around any visual barriers which may be constructed by adjacent property owners.

We recommend that an overall neighbourhood plan for this area be approved prior to the approval of this zoning application."



The Engineering Department further advises that:

"There is a note on the plan that porches, open stairs and balconies can project into the setbacks. Although we have no objection to this in principle, we will require that these items be shown on the site plan under site plan control at which time we will provide detailed comments on our requirements for motorist site lines etc. We have no objection to the underground garages being setback 0.0 m from the streetline provided that they are constructed at a height so as not to obstruct motorist visibility in the access ramps etc. or encroach into the 5 m x 5 m daylight visibility between the street lines and the access ramps.

In our previous comments, we recommend that the building etc. be setback a minimum of 3.048 m from Ferguson Avenue streetline. The setback is proposed at 1.5 m which in our opinion is extremely marginal dependant on the location of the access driveway.

We recommend that the applicant attend this office to resolve this matter with our staff and staff of the City of Hamilton Traffic Department."

- The Traffic Department advises that:

"... we are generally in support of the intent of these proposals to introduce a higher density residential use to this area. We do, however, continue to have a number of concerns...

... it is our opinion that the details of this project will determine the extent of its impacts. As a result, we recommend that the entire site be placed under site plan control and that the implementing By-law be held subject to site plan approval.

The applicant's accompanying letter gives proposed rates of supplied parking which are lower than those of the Zoning by-law. We recommend that all Zoning By-law requirements regarding parking and loading be met...

The plan also calls for all parking to be provided underground with central access via Ferguson Avenue only. This concept has a positive effect of concentrating the bulk of any new traffic on Ferguson Avenue where it should have a minimal effect on the adjacent residential roadways. Our concern relates to the practical implications of this design.

At an earlier public meeting, residents of Elgin Street expressed a strong concern with respect to the on-street parking situation on Elgin and the effects of this project. Elgin is currently developed with a number of small residential houses with no off-street parking. The one-side, on-street parking on Elgin is well-utilized. The attached housing fronting along Elgin will generate some level of visitor and delivery traffic which will naturally be attracted to the front of these residences. This will increase demand for on-street parking on Elgin, regardless of the amount of underground parking provided via Ferguson Avenue.

One means of addressing this concern would be to widen Elgin Street within the existing right-of-way in order to allow for two-sided parking along this section of the roadway. This would not only provided the additional on-street parking required to serve the new development but would additionally maintain or improve the parking



situation for existing Elgin Street residents. A similar option should also be reviewed along Cathcart Street..."

The Traffic Department subsequently advises that:

"...we would again like to strongly recommend that any Zoning By-law approval be withheld until site plan approval has been granted. This would give use the opportunity to ensure that proper and adequate access, parking, loading and manoeuvring are being supplied."

- the Ministry of Environment advises:

"The Ministry is currently reviewing the proposed clean-up operation at Carter Square with regard to this Ministry's 'Guidelines for the Decommissioning of Contaminated Sites in Ontario' dated May 1990.

The following is a brief outline of the series of events that have taken place in this review.

- Oct 17/91 Met with Development Concepts, a management consulting group that is coordinating the development. Outlined the Ministry's requirement for decommissioning.
- Nov 21/91 Met with Development Concepts and VanEgmond Geospherics, a environmental consulting firm. Discussed the results of the reports investigating the areas of soil contamination on site. The results are contained in a report by Golder dated April 1990 and a report by VanEgmond dated December 2, 1991.
- Dec 2/91 Final copy of VanEgmond report submitted.
- Dec 6/91 Additional chemical testing submitted.
- Dec 8/91 VanEgmond verbally asked to proceed with the preparation of the remedial work program for review.

It is now expected that the remedial work program will be submitted and if it meets Ministry requirements, the clean-up operations will be allowed to progress.

Barring any unforeseen circumstances, the clean-up operations will progress along the following lines: completion of clean-up operations, confirmatory testing, final Ministry review and then, if required, Ministry sign-off."

- the Building Department advises:

- "1. All the buildings are considered MULTIPLE DWELLINGS.
2. the proposed landscaped area in excess to the minimum required will permit bonus gross floor area. Therefore, the proposed gross floor area will be permitted.
3. The height of the buildings conforms as shown.



4. The minimum yards are as follows:

<u>Yard</u>	<u>Building</u>	<u>Setbacks</u>
front	5 and 6	7.5 m
front	1 and 2	5.59 m
*side north	6	13.5 m windows/balcony
side north	6	11.41 m no windows/balcony
side north	4	4.63 m windows/balcony
side north	4	1.5 m no windows/balcony
*side south	5	13.5 m windows/balcony
side south	5	11.71 m no windows/balcony
side south	1	4.63 m windows/balcony
side south	1	1.5 m no windows/balcony
side north & south	2 and 3	6.05 m windows/balcony

\*Note: Section 11C(2a)(b) may be applied.

5. The separation distance between buildings 1 & 4, 1 & 2, 2 & 3 and 3 & 4 is 6.1 m.
6. The separation distance between buildings 5 & 6, 5 & 2 and 6 & 3 is 17.75 m.
7. A minimum of 328 parking spaces are required.
8. A minimum of five (5) - 3.7 m x 9.0 m x 4.3 m and two (2) 3.7 m x 18.0 m x 4.3 m loading spaces are required. No parking or loading layout provided to determine compliance to Section 18A.
9. If the zone change was an "E" Modified, items 1, 3, 4 except note, 5, 6, 7 and 8 would apply.
10. The maximum gross floor area in an "E" district is  $(10126 \text{ m}^2 \times 1.7)$  17214.2 m<sup>2</sup>. Therefore, the proposal exceeds the maximum permitted.
11. The minimum landscaped are in an "E" district is  $(10125 \text{ m}^2 \times 25\%) = 2531.5 \text{ m}^2$ .

#### COMMENTS:

1. The proposal does not conflict with the intent of the Official Plan provided compatibility can be achieved among adjacent uses.
2. The proposal does not comply with the approved Beasley Neighbourhood Plan. If the application is approved an amendment to the Neighbourhood Plan is required to redesignate the lands to "High Density Apartments". This designation conflicts with the proposed Neighbourhood Plan Amendment which recommends these lands be designated for "Medium Density Apartments".
3. The concept of encouraging multiple family residential uses in this location can be supported on the basis that:



- it will provide a catalyst to encourage future residential development on vacant and under utilized lands;
- it supports the Department's position of redevelopment/intensification as a means of providing affordable housing opportunities;
- it reinforces the intent of the Official Plan and the Central Area Plan to provide suitable accommodation for a variety of types and tenure; and,
- the community services necessary to support such development including parks, public transit, local shopping areas, etc. are available in the vicinity.

However, the proposal to rezone the lands to "E-3" (High Density Multiple Dwellings) District cannot be supported given:

- it conflicts with the proposed Neighbourhood Plan Amendment to designate these lands for "Medium Density Apartments";
- the maximum density permitted in the "E-3" (High Density Multiple Dwellings) District is most appropriate for development within the downtown core. The subject lands are located on the fringe of the core and are, therefore, best suited for a lower density of development. In this regard, there is an adequate supply of designated/zoned lands within the core area to accommodate high density residential development;
- future residential development in this area should be of a form and density which is sensitive to the existing one and two family dwellings on the west side of Elgin Street. In this regard, the proponent endeavours to integrate the proposal with established residential development by providing for maximum building heights of 3 1/2 - 4 stories on Elgin Street (Block "1") and stepping-up to 10 stories on Ferguson Avenue (Blocks "2" and "3").

However, this has the effect of over-loading the density onto Ferguson Avenue. More specifically, nearly 77% of the units (202 of 262) would be provided on about 40% of the site for a density of 200 u/ac. or a gross floor area ratio of 4.55 which, given the character of the area, is too high of a gradation; and

- approval of high density on this site would set an undesirable precedent for future applications in the surrounding area.

On this basis, the proposed rezoning to "E-3" (High Density Multiple Dwellings) District cannot be supported.

However, an amended application to rezone the subject lands to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District would be more appropriate given that:

- it implements the proposed Neighbourhood Plan Amendment to designate these lands for "Medium Density Apartments"; and,
- it would be more sensitive to the character of the established residential development in the surrounding area which is predominantly one and two family dwellings to the west and further to the east.



It should be noted that approval of an amended application to provide for an "E" District zoning would reduce the proposed gross floor area from 2.56 x lot coverage to 1.7 x. Based on preliminary concept plans (see APPENDIX "B"), this would have the effect of reducing the total number of dwelling units from 262 or 105 units/acre to approximately 160  $\pm$  or 65 units/acre, depending on unit type/size.

4. Approval of the amended application will require the following variances:

- Height

The maximum height permitted in the "E" (Multiple Dwellings, Lodges, Clubs) District for Block "1" is eight (8) stories and twelve (12) stories for Blocks "2" and "3". A limitation of four (4) and ten (10) stories as proposed will be more sensitive to the surrounding land uses and more in keeping with medium density development.

- Yards

The minimum front yard requirement for Elgin Street is 5.59 metres. A reduction to 4.5 metres is relatively minor and will reflect existing development on the west side of the street. The minimum front yard requirement on Ferguson Avenue is 7.5 metres. The Engineering Department has advised that they will require a minimum building setback on Ferguson Ave. of 3.048 m for a portion of the frontage. A reduction to 1.5 metres can be supported at this time on the basis that the details with respect to the location of the buildings and access will be identified through the Site Plan Control process and if further refinements are required they can be dealt with at that time.

Reduced side yards to 0.0 metres (where there are no balconies, sunrooms or windows of habitable rooms) on the north and south sides can be supported on the basis that the applicant is proposing a modification to the "H" (Community Shopping and Commercial) District regulations to prohibit any buildings or structures on a 9 metre strip of their adjacent lands to the north and south. However, where there will be balconies, sunrooms or windows of habitable rooms, a minimum setback of 3.0 metres should be required.

- Landscaping

The "E" (Multiple Dwelling, Lodges, Clubs) District regulations require a minimum of 25% of the lot area for landscape area. The applicant has indicated that 47% landscaped area is to be provided. The added landscaped open space will provide the opportunity to more effectively integrate the proposed development into the neighbourhood, and provide a pedestrian connection through the extension of Robert Street.

- Building Separations Distances

The reduced building separation distances can be supported on the basis that they meet the requirements of the Building and Fire Codes, and will allow some flexibility in the arrangement of the landscaped areas to provide more functional and usable landscaped spaces.



5. The Ministry of Environment has advised that they require the decommissioning of the subject lands in accordance with their "Guidelines for the Decommissioning of Contaminated Sites in Ontario" prior to approval. In this regard, it would be appropriate that these lands be placed under the holding provisions in accordance with Section 35(1) of The Planning Act, R.S.O. These provisions permit Council to use the holding symbol 'H' in the zoning by-law in conjunction any Zoning District and specify the use to which the lands, buildings or structures may be put at such time in the future when the holding symbol is removed by an amendment. The purpose of using the holding symbol in this instance, is to ensure that the Ministry of Environment's requirements with respect to the decommissioning of the site are fully met.

The amended "E" (Multiple Dwelling, Lodges, Clubs) District is subject to Site Plan Control By-law 79-275 as amended by By-law 87-233. Matters such as grading, landscaping, access etc. will be dealt with during the site plan approval process. Given the nature of the proposal, it would be appropriate to include a further condition for the removal of the holding symbol that the applicant must make an application for, and receive approval of a Site Plan for Blocks "1", "2" and "3".

In response to CN's concerns regarding noise and vibration, removal of the holding symbol should also be conditional on the applicant placing a warning clause on title to the satisfaction of the City's Law Department.

#### **CONCLUSION:**

Based on the foregoing, the application as submitted cannot be supported, and therefore should be denied. However, an amended application for an "E" (Multiple Dwellings, Lodges, Clubs, etc.) District zoning can be supported.

CF/ma/dkp  
ZA9161



"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 17"

CN

MAR 16 1992

10. (a)

Engineering Services  
Southern Ontario District  
Suite 401  
277 Front Street West  
Toronto Ontario  
M5V 2X7

13 March 1992

Your File: ZA-91-16  
Our File: TZ-4500-H-08

ZA-91-61

Secretary  
Planning and Development Committee  
City of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Sir/Madam:

**Re: Proposed Zoning By-law Amendment**  
**Lands bounded by Cannon Street E., Elgin Street, Barton Street E.**  
**and Ferguson Avenue**

---

We have reviewed your letter dated 28 February 1992 regarding the above noted applications and offer no objections. However, it appears that our tracks fall within 300 metres of the proposed development. Hence, we request that the Owner insert in all Agreements of Purchase and Sale or Lease and include in a Noise Impact Statement, the following clause:

"Warning : Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."

Should you have any further questions, please do not hesitate to contact Karen Fraser at (416)860-2466.

Yours truly,

*Karen Fraser*

Karen Fraser  
For: M.P. Murphy  
Manager Engineering Services



**R A F A E L + B I G A U S K A S**  
**A R C H I T E C T S**  
95 Bridgeland Avenue, 2nd Floor, Toronto, Ontario.

SCALE 1:500

JAN.28/92

**- PORCHES, OPEN STAIRS & BALCONIES MAY PROJECT INTO SETBACKS**

**-UNDERGROUND GARAGE SETBACKS min.0.0m**

ELGIN STREET

**± 115.017m**

## STATISTICS

**Family Building**  
 10 storages / max. height = 35.5m  
 10 units / floor  
 92 units  
 Coverage 1160 m<sup>2</sup> (12487 sf.)  
 Floor area 9950 m<sup>2</sup> (106028 sf.)

Parking Required  
92 units x 125% = 115 spaces

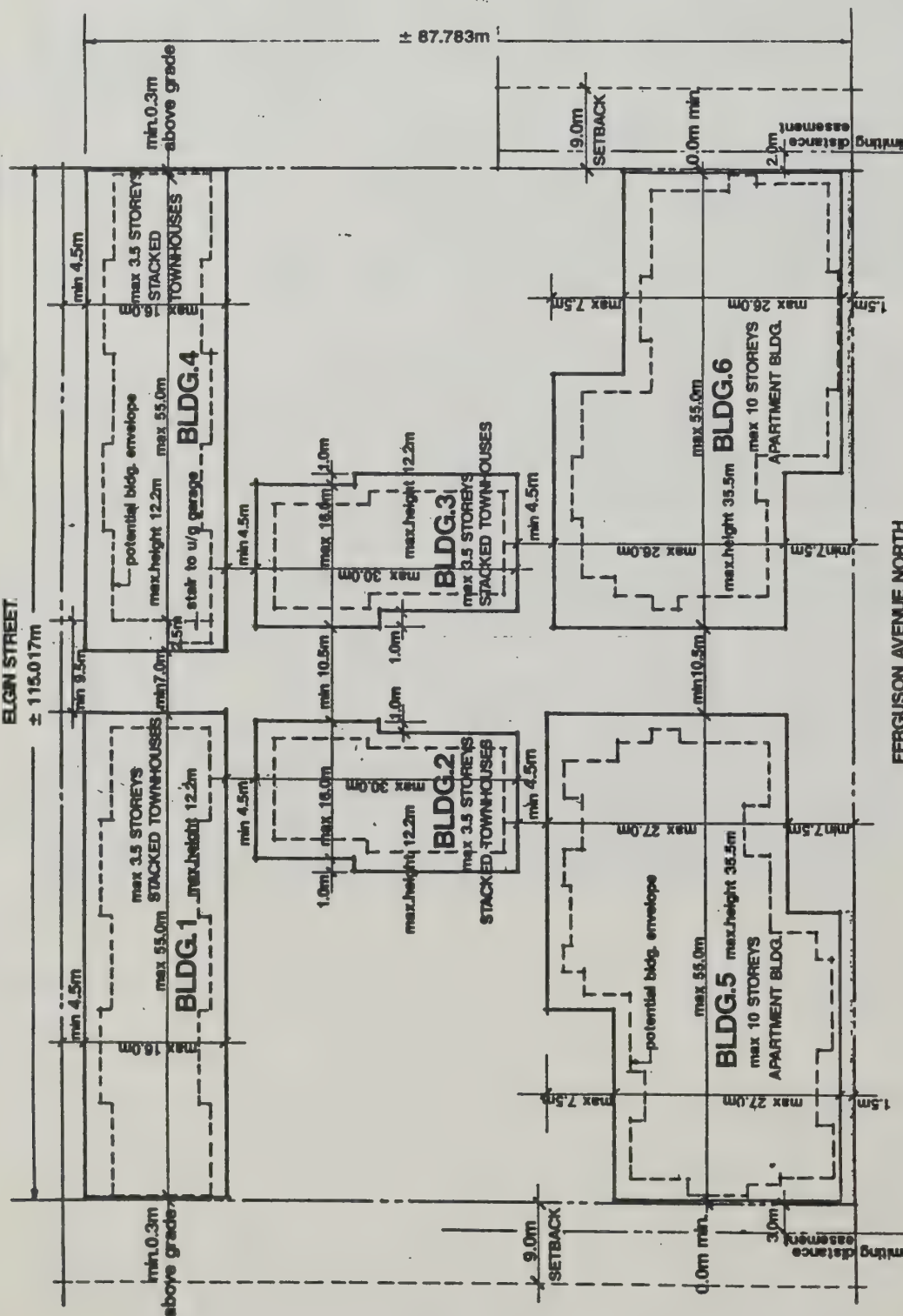
Seniors / Singles Building  
110 storages / max. height = 35.5m  
112 units / floor  
110 units  
Coverage 1010 m2 (10872 sf.)  
Floor area 8600 m2 (92573 sf.)

Parking Required  
 55 units  $\times$  25% = 14 spaces  
 (Seniors)  
 55 units  $\times$  100% = 55 spaces  
 (singles)

**Townhouses**  
60 units  
Coverage 1888 m<sup>2</sup> (20323 sf.)  
Floor area 7552 m<sup>2</sup> (81292 sf.)

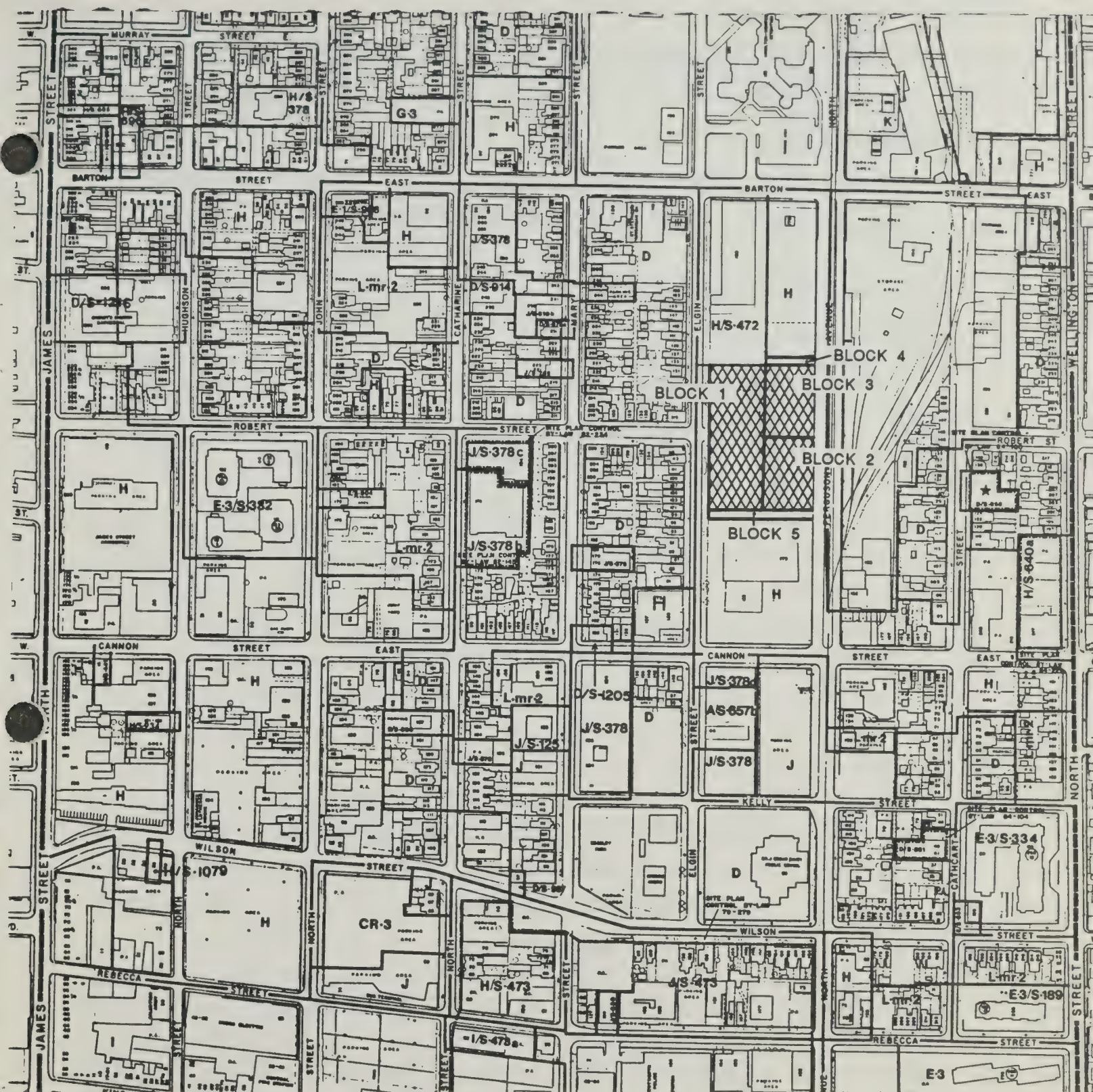
$$\frac{\text{Parking Required}}{60 \text{ units} \times 125\%} = 75 \text{ spaces}$$

SITE AREA	10126m <sup>2</sup>	= 100%
BLDG. COVERAGE	4058m <sup>2</sup>	= 40%
PAVED AREA	1338m <sup>2</sup>	= 13%
LANDSCAPED OPEN SPACE	4730m <sup>2</sup>	= 47%
F.A.R	2.56x	



FERGUSON AVENUE NORTH





### Legend



Subject Lands

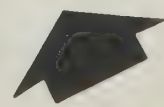
#### Proposed uses:

**BLOCK "1"** Four 3.5-storey, stacked townhouse developments containing a total of 60 units.

**BLOCK "2"** One 10-storey, seniors apartment building containing 110 units.

**BLOCK "3"** One 10-storey, apartment building containing 92 units.

**BLOCK "4" & "5"** 9 m reserve. No buildings and structures permitted.



ZA-91-61  
AMENDED



PROPOSED CHANGE IN ZONING FROM H TO E, MODIFIED

PROPERTY DESCRIPTION -LANDS WITHIN THE BLOCK BOUNDED BY CANNON STREET EAST,  
ELGIN STREET, BARTON STREET EAST AND FERGUSON AVENUE NORTH

I AM IN FAVOUR OF ( )

OPPOSED TO ( ) (PLEASE CHECK (X) WHICH)

THIS PROPOSED CHANGE

.....  
CANADIAN NATIONAL OR OCCUPANT  
COMPANY

MANAGER, PROPERTY TAX  
CANADIAN NATIONAL RAILWAYS  
277 FRONT ST W SUITE 920  
TORONTO ONT M5V 2X4

.....  
FILE-2A-91-61 SE0-00271

..... SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445

BUSINESS REPLY CARD

AFFIX  
STAMP  
HERE

THE CORPORATION OF THE CITY OF HAMILTON  
71 MAIN ST. W.  
HAMILTON ONTARIO  
L8N 3T4



Tina Agnello  
Secretary  
Planning and Development Committee  
2nd Floor, City Hall,  
71 Main St. West,  
Hamilton Ontario L8N3T4

10. (6)

References to File #'s P5-2-10A and ZA 91-61

Mr Chairman and all concerned.

I must open my letter by saying that the Lands in question are in desperate need of development, however there are several issues which I feel must be resolved before any neighbourhood plan or zoning changes may be initiated.

I feel that all Landlords and Developers within the Plan Amendment boundaries be required to meet with concerned tenants, residents and citizens

These meetings should be totally open, with fully disclosed plans, allowing citizens to question attendees, analyze the plans and proposals, and formulate their own opinions based on the information received.

Beasley Neighbourhood residents are concerned with Cannon Street being designated in the Plan as "The Downtown Auto Corridor". I feel that commercial development be established as the marketplace dictates, not



as a mandate or policy directed or influenced by Neighbourhood Plans.

There are some committees, such as Pride, Ferguson Ave Review etc functioning within Beasley Neighbourhood. Their policies, views and mandates should also be made available to Citizen Meetings in order to determine Their impact on the Neighbourhood in respect to the items in question here.

Based on Historic and current Land use within the Plan Ammendment boundaries IE CMR Team Tracks, Hotz Barrel, Ennis Paikin Salvage, Carter Motors Auto Compound, Brewers Retail Truck Compound, Barton Truck and Trailer Repairs etc, the entire plan ammdement property should be surface and deep core soil tested.

The results of these tests should be made public. If any areas within the prescribed boundaries are proved unsafe for development, based on the test results, those areas should be cleaned, to a safe level and depth, before any changes to Plan or Zoning are initiated.



Non Profit Housing is a necessary function within today's society, however I feel that such a concentration of non profit residences will only compound existing Neighbourhood problems.

An alternative might be a mix of tenures in residences, including single family residences, Co-op or Owner inhabited Condominium properties, interspersed with middle density non profit housing with a maximum height of 3.5 to 4 stories.

A second issue is that, in my opinion, there are several suitable sites for non profit housing spread throughout the Beasley Neighbourhood. Using these properties would greatly reduce the impact of the project, upon the Neighbourhood.

Some of the issues which I feel would be expanded if the density of such a volume of Non Profit Housing is developed would be Crime, School overcrowding, Traffic Volume, Neighbouring Streets parking Congestion, Transiency, Absentee Landlords, Vacant existing rental properties etc..

If there is a mix of resident owned properties an opportunity exists to initiate a population stability within an area that is in constant upheaval of tenants from their residences.



The length of the development term <sup>15</sup> 10-15 (20?) years is totally unacceptable. The constant on again off again Neighbourhood disruptions created by the staggered development will only further aggravate existing conditions.

A concerted effort should be made to develop as much of Plan area as is possible to minimize the negative affects of development

Realizing that the Plan Ammendment and Zoning Change are inter-related, I am of the opinion that there are too many complex issues to be resolved in each of the applications, ~~to be in~~ one sitting and under one umbrella.

There is a perfect opportunity existing within the Plan boundaries, to develop a model of new zoning development and planning. With well established community meetings, with all parties and citizens having the opportunity to share in the process, after being fully and honestly informed, a project the entire community can be proud can be created.



I sincerely appeal to You, Mr.  
Chairman, to table the Neighbourhood  
Plan Amendment and Zoning Changes  
Applications for further discussions.  
The input of Neighbourhood participation  
is vital to the process of development  
within any community.

Respectfully

Shirley Spicer  
~~D Spicer~~

Shirley Spicer  
Dave Spicer  
61 Cathcart Street  
Hamilton Ontario







1

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 19

**REPORT TO:** Planning and Development Committee

**FROM:** Tina Agnello, Secretary  
Planning and Development Committee

**SUBJECT:**

Workshop on Neo-Traditional Neighbourhood Design - University of Waterloo, 1992 April 22-23

**RECOMMENDATION:**

- (a) That the Chairman or his designate be authorized to attend a workshop to take place on 1992 April 22 to 23 at the University of Waterloo
  - (b) That costs for attendance be allocated to Alderman Travel Account No. CH55201-10010 from the 1992 Operating Budget.
- T. Agnello*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Costs to be charged to Alderman Travel Account No. CH55201-10010 from the 1992 Operating Budget.

**BACKGROUND:**

Workshop outline as attached.



# University of Waterloo



FEB 17 1992

FEB 26 1992

February 24, 1992

Waterloo, Ontario, Canada  
N2L 3G1

Don Drury  
City of Hamilton  
71 Main St W,  
Hamilton, ON  
L8N 3T4

Teaching Resource and  
Continuing Education  
(519) 888-4002  
Fax: (519) 746-6393

Dear Mr. Drury:

A two-day workshop on the topic of Neo-Traditional Neighbourhood Design is being held at the University of Waterloo on April 22-23, 1992. This program is sponsored by the University's School of Urban and Regional Planning in conjunction with the Ontario Professional Planners Institute, the Municipal Engineers Association of Ontario, the Kitchener-Waterloo Home Builders Association and the Canadian Association of Certified Planning Technicians.

Neo-Traditional Neighbourhood Design is an approach to new communities which advocates highly designed human scale, mixed use development and promotes walking, cycling and public transit as primary forms of transportation. This approach is seen as a desirable sharp contrast to current planning approaches which typically result in large-scale, single use communities which focus on the automobile as the main form of transportation.

A key participant in the two-day workshop will be Andres Duany from the critically acclaimed Miami based urban design firm of Andres Duany-Elizabeth Playter-Zyberk. Their firm is at the cutting edge of advances in subdivision/neighbourhood design. In addition to what is expected to be outstanding presentations by Andres Duany, the workshop will provide the opportunity for several small groups to discuss and evaluate specific aspects of the Neo-Traditional approach including urban design and engineering considerations, marketing, land use and environmental issues. Each group will include various people who are key stakeholders in the development industry and in the current planning process in Southwestern Ontario such as planners, engineers, residents, architects and developers. Additional details appear on the attached form.

This letter is being sent by the Organizing Committee to the Chief Administrative Officers and Planning Committee Chairpersons of several southern Ontario municipalities for the purpose of encouraging each municipality to register one elected official as a participant in this workshop and lecture. If your municipality is interested in having someone attend the workshop and lecture, please ensure that the attached registration form is sent to the address noted on the form as soon as possible and preferably before March 3 as registration for the program is being limited to 75 persons. After March 3 we will open up registration for other interested persons.

If you require additional information please call UW Continuing Education at 888-4002. We hope that a representative from your municipality will join us for this important event.

Yours truly,

Donald L. Kasta, Manager  
Continuing Education Liaison

DLK/mmj



# NEO-TRADITIONAL NEIGHBOURHOOD DESIGN WORKSHOP AND PUBLIC LECTURE

April 22-23, 1992  
University of Waterloo

The workshop is intended to provide participants with a thorough understanding of the concept of neo-traditional neighbourhood design and an opportunity to assess the benefits and challenges associated with using the concept as a basis for planning and designing new communities in Ontario.

The workshop will feature:

- a presentation by Andres Duany, a leading advocate of the neo-traditional neighbourhood design concept who has designed several communities based on neo-traditional design principles
- a discussion of the Canadian experience with the concept by Peter Walker, Principal with the firm Walker, Wright and Young
- concurrent group sessions focusing on specific issues such as design and engineering considerations, marketing, land use and environmental issues
- "hands-on" group sessions where participants will be able to review and critique a subdivision proposal based on neo-traditional design principles

An integral part of the program will be a public lecture and discussion with Andres Duany on Wednesday April 22, 1992 beginning at 7:30 p.m.

Details concerning the lecture and workshop will be provided upon confirmation of your registration.

Please note that the workshop registration will be limited to 75 persons and that attempts will be made to ensure representation from a variety of professionals and interest groups. Please call University of Waterloo Continuing Education at (519) 888-4002 if you require further information.

*The workshop and lecture are being sponsored by the University of Waterloo School of Urban and Regional Planning in conjunction with the Ontario Professional Planners Institute, the Municipal Engineers Association of Ontario, the Kitchener-Waterloo Home Builders Association, and the Canadian Association of Certified Planning Technicians.*

## Neo-Traditional Neighbourhood Design-Workshop Registration Form

PLEASE SUBMIT A SEPARATE FORM FOR EACH REGISTRANT

Name: \_\_\_\_\_ Occupation: \_\_\_\_\_

Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_

Postal Code: \_\_\_\_\_ Telephone Number (\_\_\_\_) \_\_\_\_\_

☐ Please register me for the workshop at \$214.00 (includes the GST, public lecture, 2 lunches, 1 dinner and all materials)

Payment: ☐ cheque attached

☐ VISA

☐ MasterCard

Card Number: \_\_\_\_\_

Exp. Date: \_\_\_\_\_

Signature: \_\_\_\_\_

☐ I am interested in the Public Lecture only. Please advise me when the price has been determined.

Please return completed form with payment to:

Continuing Education  
University of Waterloo  
Waterloo, ON N2L 3G1







URBAN/MUNICIPAL  
CATION H3 L A05  
CSIP4



Urban Municipal  
Collection  
2nd Floor  
Hamilton Public Library

J.J. SCHATZ  
CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**

OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

URBAN MUNICIPAL

APR 13 1992

GOVERNMENT DOCUMENTS


**NOTE:  
MEETING START TIME OF  
9:00 O'CLOCK A.M.**

1992 April 2

**NOTICE OF MEETING**

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1992 April 8  
9:00 o'clock a.m.  
Room 233, City Hall

  
Tina Agnello, Secretary

Planning and Development Committee

**AGENDA:**

**9:00 O'CLOCK A.M.**

1. Zoning Application 89-94; No. 820 Rymal Road West, Condition of Approval; Broughton Neighbourhood







- (a) Report: Commissioner of Planning & Development
- (b) Confidential report: City Solicitor
- (c) Submission - DiCenzo Construction Company Limited

**9:30 O'CLOCK A.M.**

- 2. Delegation - Lot Grading within Gurnett Estates - Phase 3, Plan 62M-492

- 3. **CONSENT AGENDA**

- 4. **ACTING DIRECTOR OF PUBLIC WORKS**

Crown Point West Stipeley Phase II P.R.I.D.E. - Programme; Glendale Spinning Mills

**ZONING APPLICATIONS**

**10:30 O'CLOCK A.M.**

- 5. Zoning Application 91-75, Lily Trieu, owner, for a modification to the established "D" District regulations for property located at No. 22 Greig Street; Strathcona Neighbourhood.
  - (a) Submission - Mrs. C. Galasso, 263 Burton Street West, Hamilton
  - (b) Submission - Mr. and Mrs. William Hertel, 26 Greig Street, Hamilton, L8R 2W7
- 6. Amended Zoning Application 91-81 and Draft Plan of Subdivision 25T-90018, Joyce M. Carnicelli and Carriage Gate Homes Ltd., owners, for changes in zoning from "AA" to "R-4" for Block "1" and from "C" to "R-4" for Blocks "2" and "3" for lands located in the area west of Upper Sherman Avenue and south of Stone Church Road East; Butler Neighbourhood.







**10:45 O'CLOCK A.M.**

7. Zoning Application 91-57, Peter Gerogakopoulos, owner, for a further modification to the "M-12" District regulations for property located at No. 1050 Rymal Road East; West Hannon Neighbourhood.
  - (a) Submission - Janice Lattin, Trans Canada Pipelines, 111 Fifth Avenue S.W., Calgary, Alberta, T2P 4K5.
8. Zoning Application 91-86, Josip Kozar, owner, for a further modification to the "H" District regulations for property located at No. 1605 Main Street East; Homeside Neighbourhood.

**11:00 O'CLOCK A.M.**

9.
  - (a) Recommendations of the 1992 City of Hamilton Municipal Housing Statement Update.
  - (b) Streamlining the Planning Process - Implementation of Provincial Policy Statement Land Use Planning for Housing.
  - (c) Proposed Amendment to the Official Plan - Provincial Policy Statement Land Use Planning for Housing.
10. **OTHER BUSINESS**
11. **ADJOURNMENT**







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting in 1992 May 6
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee - Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from Municipal Depts & standing committees
ZA-91-78 3320-330 Charlton Avenue West	1992 March 25	Planning	Tabled - Public Meeting 1992 April 13
1992 April 02			







P+D letter March 25/92  
Tabled.

1.a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 9  
ZA-89-94  
Broughton West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

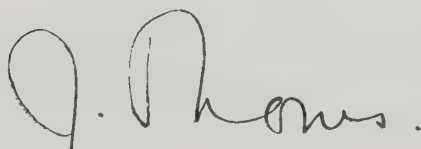
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Condition of approval - No. 820 Rymal Road East.

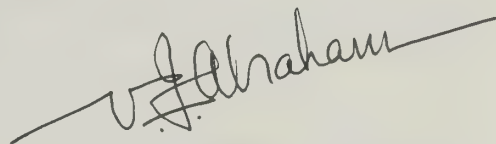
**RECOMMENDATION:**

That the Planning and Development Committee reaffirm its decision of December 13, 1989, as set out under Section 13 of the First Report for 1990, as follows:

- (c) That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**BACKGROUND:**

- Zoning Application 89-94

At its meeting of December 13, 1989, the Planning and Development Committee approved the subject application for an Official Plan Amendment to redesignate the lands from "RESIDENTIAL" to "COMMERCIAL", and for a change in zoning from "AA" (Agricultural) District to "HH" (Restricted Community Shopping and Commercial) District, to permit the development of a commercial shopping plaza.



Approval of the application was conditional on the following:

- "C. That final approval of the amending by-law is subject to the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

For the information of the Committee, the Planning Department had recommended denial of the application for the following reasons:

- "i) The proposal conflicts with the intent of the Official Plan and the approved Broughton West Neighbourhood Plan which designate the lands for "Residential" use.
- ii) There is an adequate supply of commercially designated/zoned lands (approx. 38.0 acres) in the surrounding area along Rymal Road to serve the needs of the residents in this area.
- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Official Plan and Neighbourhood Plan."

City Council at its meeting of January 30, 1990, approved the recommendation of the Planning and Development Committee to allow the application.

- Block "288"

At the rear of the applicant's lands is an irregular strip of land (approx. 200' by 17-19') which is owned by an adjoining property owner, DiCenzo Construction Company Limited (see APPENDIX "B"). The strip of land formed Block "288" (originally known as Block "309") in the "Sandrina Gardens" plan of subdivision, which was draft approved on November 22, 1989. One of the conditions of approval specified that Block "288", among others, be developed only in conjunction with adjoining lands.

In this regard, the adjoining property owner made a submission (see APPENDIX "C") to the Planning and Development Committee at the time the subject application was considered. Consequently, in approving the application the Committee included a condition that both parties negotiate a satisfactory resolution respecting the disposition of Block "288".

- Recovery of Servicing Costs

The Transportation/Environmental Services Group has advised that, generally, any owner abutting a road allowance is responsible for the portion of the costs related to the municipal services installed abutting their lands.



In this instance, a 0.3m reserve is established adjacent to the easterly lot line of the applicant's lands (see APPENDIX "B" - Block "295"). Accordingly, the applicant would be required to pay for his share of the services installed on Street "A" when the lands are developed, regardless of whether or not a driveway access is provided. These costs would be recovered by the City and Region.

With respect to Block "288" (see APPENDIX "B"), DiCenzo Construction would be responsible for paying the servicing costs on Street "B" (see APPENDIX "B"). Consequently, they are attempting to recover the costs for these services, including 1/2 of the roadway, in conjunction with the sale of Block "288".

- Negotiations

By January 1992 both parties appeared to be moving towards an agreement on this matter, and in fact an Agreement of Purchase and Sale was made by a third party to DiCenzo Construction Company Limited. Subsequently, the solicitor for DiCenzo Construction Company Limited forwarded a long form agreement to be registered on title to the prospective purchaser.

However, the parties were unable to finalize an agreement and the applicant's agent requested that this matter be forwarded to the Planning and Development Committee for resolution.

**COMMENT:**

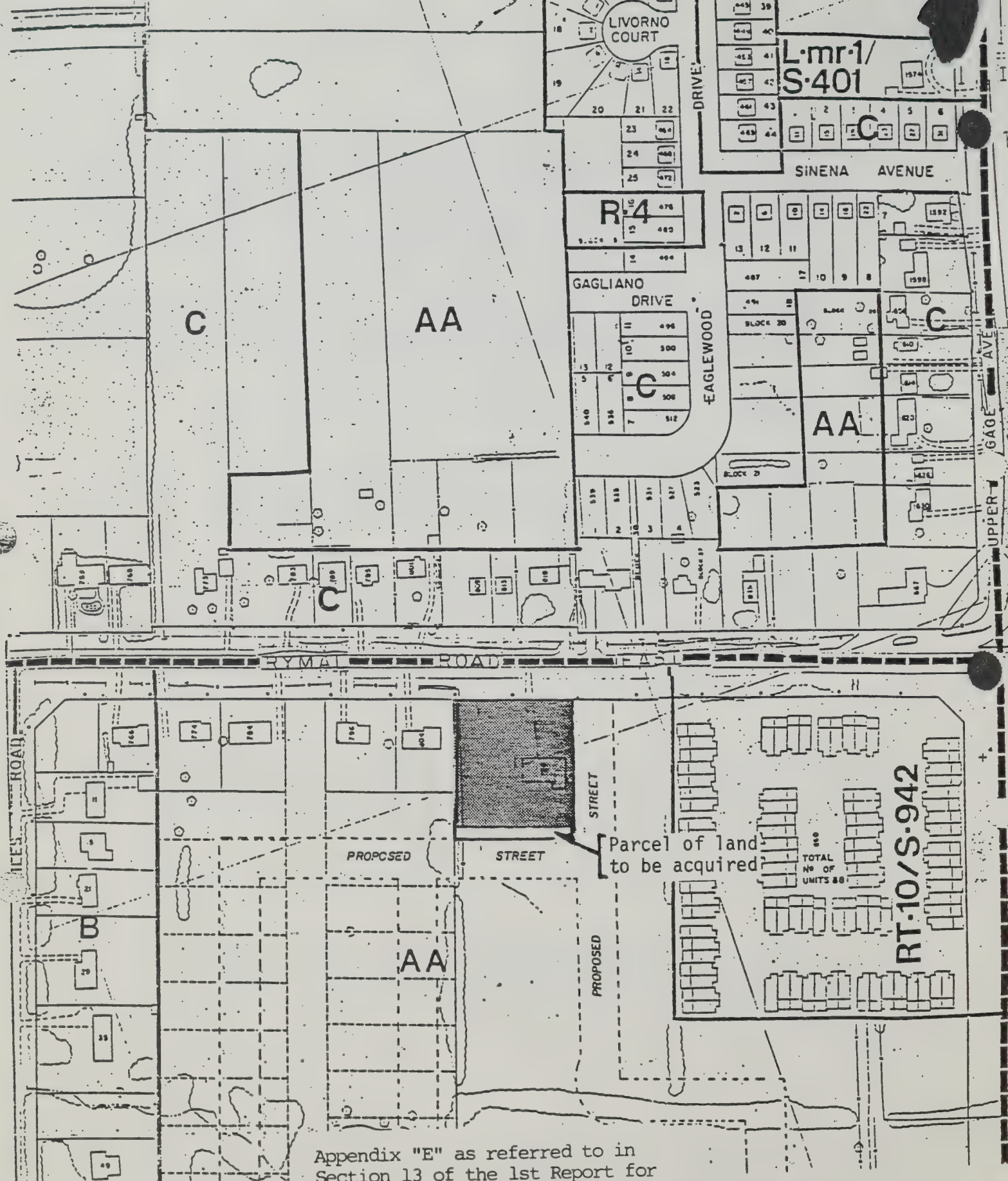
From a Planning perspective, any future development of the applicant's lands (see APPENDIX "A") should incorporate the adjoining remnant parcel of land to the south (Block "288" - APPENDIX "B"). To date, all previous planning considerations (e.g. Neighbourhood Plan, draft plan of subdivision) have provided for this.

**CONCLUSION:**

The Planning and Development Committee should reaffirm its decision of December 13, 1989, to require "...the applicants negotiating a satisfactory resolution respecting the disposition of the adjoining remnant parcel of land to the south with the owner."

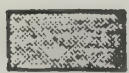
/ma  
ZA8994





Appendix "E" as referred to in  
 Section 13 of the 1st Report for  
 1990 of the Planning and  
 Development Committee

Legend



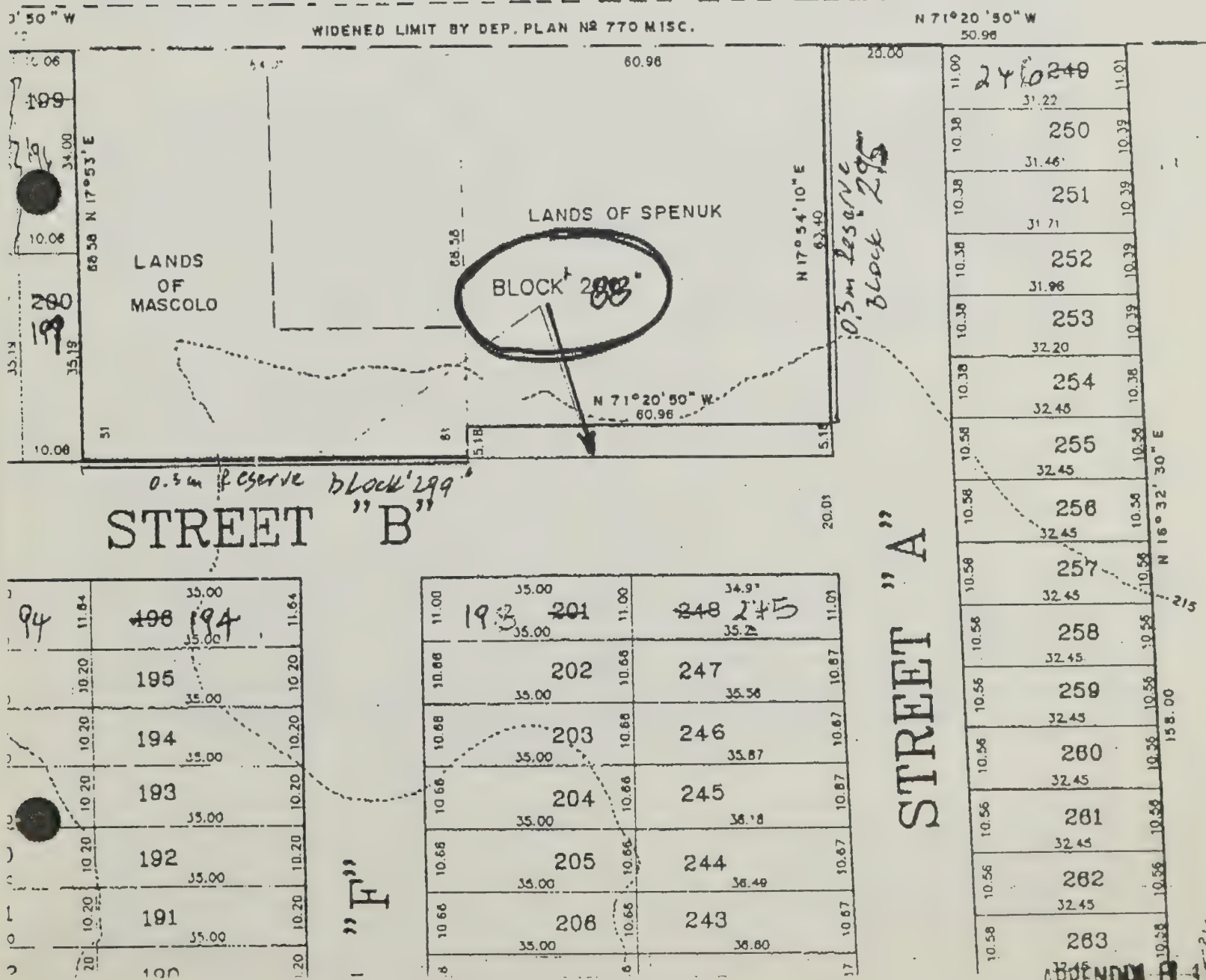
Site of the Application



APPENDIX A



ROAD





# DiCenzo Construction Co. Ltd. DEC 07 1989

GENERAL CONTRACTORS  
CUSTOM BUILT HOMES



PLANNING & DEVELOPMENT LOCAL PLANNING BOARD			
File No.	DEC 07 1989		
TO	STAGE UNIT	INTOL. ACT	
DIG.			
P.P. & A.			
WEIGH	TEL: 581-3767		
DEV.	205 QUIGLEY ROAD		
PL. & D.	UNIT #2		
	HAMILTON, ONTARIO		
	L8K 5M8		
STAFF	G.W.		
CART.			
ADMIN.			

December 6, 1989

Real Estate Department  
City Hall  
Hamilton, Ontario  
L8N 3T4

ATTENTION: MR. MIKE WATSON

Dear Mr. Watson:

We received a change of zoning Application by Mr. J. Spenuk regarding the property at No. 820 Rymal Road East, if this Application is approved I would like to draw your attention to the fact that there are 2 proposed streets next to this property in addition to a strip of land between the street and the property which are owned by DiCenzo Construction. Any costs incurred with regards to half of the proposed streets and the strip of land, including land costs and service costs should be paid by Mr. Spenuk.

Thank you,

A. DiCenzo

cc Paul Mallard, Planning Dept., City Hall ZA-89-94  
cc Mr. Brenner, Engineering Dept., City Hall

Delivered by: Mr. A. DiCenzo  
December 7, 1989.



# DiCenzo Construction Co. Ltd.

1.6c

BUILDER & DEVELOPER  
PROPERTY MANAGEMENT



TEL.: 561-3767  
FAX: 561-0611  
205 QUIGLEY ROAD  
UNIT #2  
HAMILTON, ONTARIO  
L8K 5M8

April 1, 1992.

## HAND DELIVERED

Chairman and Members  
The Planning and Development Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

Dear Mr. Drury and Members:

### Rezoning Application 89-94 820 Rymal Road West, Hamilton

As you may recall, the above-captioned zoning application, proposed by Mr. & Mrs. Ernie Spenuk, was considered by members of the Planning and Development Committee on March 25, 1992. That meeting was adjourned, after hearing partial submissions on this matter, until the next meeting of the Committee on April 8th, 1992, due to scheduling difficulties that day and due to certain submissions by my solicitor which are currently being reviewed by the City Solicitor.

The plan which I submitted for my lands to the east and south of Mr. Spenuk's lands, which included Block "288", was developed on the recommendation of both the City and Region. At that time I was assured that Mr. Spenuk's lands would be rezoned for residential purposes which everyone agreed was the best use, from a planning standpoint, for his lands and the surrounding community. And this would not impose any economic hardship on Mr. Spenuk: on less than one acre of land Mr. Spenuk could develop twelve R4 single-family dwellings!

As well, two years ago when this rezoning application was originally heard, I made no objections with respect to my planning concerns regarding the approval of any such application. This was based on Mr. Spenuk asking for my cooperation and agreeing to cover half the streets and service costs. This was also based upon the assurances of various Committee members, as the Committee then existed, that the servicing and land costs for Streets A and B would be shared equally by Mr. Spenuk who stood to gain more from the streets than the residents in my subdivision. I was pleased to see that the Committee stood by its word, and imposed the requirement to settle with me these outstanding issues.

The main reason for the Committee now appearing to want to drop the existing condition is that too much time has elapsed, the argument being that the applicant should not be any further prejudiced. Who will really be prejudiced if you drop the condition? I had nothing to do with the passage of time. Mr. Spenuk, on his purchaser's behalf, finally submitted



a draft offer for the purchase of Block "288" early in 1992 at a stated purchase price, I submitted a response at the same purchase price within a matter of days, and I never heard anything back from the applicant telling me why my offer was not acceptable. He simply referred this matter back to the Committee without making any further effort to resolve outstanding issues between us. I am told by his agent that Mr. Spenuk refuses to pay anything, and feels that his purchaser should absorb any costs involved. I am not saying that I am right or that Mr. Spenuk is right: I am only saying that the penalty for the passage of time should not be imposed on me.

I strongly encourage you, and all of the other Committee members, to attend the next Committee meeting on April 8th, 1992, to consider the merits of Mr. Spenuk's application. At that time, if you are fully informed, and you act fairly, I am sure that the subject application will be refused, or as should be, will continue to be the subject of the condition originally imposed. That is all that I ask.

Yours very truly,



Antonio DiCenzo.

c.c. Geoff Aston, Engineering Department  
Paul Mallard, Planning Department



MAR 31 1992

2.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 30  
S707-49 C.A. Unelli

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee


**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:**

Lot Grading within Gurnett Estates - Phase 3  
Plan 62M-492, Hamilton

**RECOMMENDATION:**

1. That, provided that the Law Department has received four outstanding release letters, the City Treasurer be authorized and directed to reduce the security deposit currently being held for Gurnett Estates - Phase 3 to \$2,728.00 from the current \$20,471.00.
2. That the City retain \$2,700.00 pending further action in relation to Lot 19.

  
\_\_\_\_\_  
E.M. Gill, P.Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

This development is located west of Upper Paradise Road and south of Mohawk Road in the Gurnett Neighbourhood. The development consists of twenty-three (23) residential lots and was registered by the subdivider, Gurnland Development Inc. on February 18, 1987 as Plan 62M-492. (Copy of plan attached).

The grading of the lots was to be completed and a grading certificate issued to the City by March 8, 1989. The subdivider was sent a registered letter February 21, 1989, reminding him of his lot grading obligations under Section VIII of the City Subdivision Agreement. As the grading certificates

Continued ...



**Lot Grading within Gurnett Estates - Phase 3**  
**Plan 62M-492, Hamilton**

Continued ...

remained outstanding the City Law Department was asked to ensure compliance with the terms of the agreement. The Law Department instructed the Treasury Department to put a hold on all securities for the development and presented the subdivider with a notice to comply.

Lot 19

In September of 1990, Mr. Veritis, the owner of Lot 19, advised us that he was not happy with the way his property had been graded. Upon inspecting the property it was our opinion that the general intent of the approved grading plan had been adhered to with the exception that the house had been constructed lower than proposed and that there was likely to be slight ponding near the rear of the house. We determined that the property could still be drained adequately with some minor regrading. The builder of Mr. Veritis's home, Mr. M. Henowick (Glenbury Developments) advised us that he had already spent several thousands of dollars in his attempts to please Mr. Veritis with respect to grading.

Lot 19 was originally graded as two-way split drainage. Since such a drainage system was contrary to the approved grading plan and had an adverse affect on the adjacent lands, the subdivider was advised to regrade the property as per the approved grading plan which stipulated a one-way drainage pattern draining from the rear of the property to the street.

Mr. Veritis made the following demands of the builder to resolve his grading complaints:

1.     Regrade the lot back to the two-way split drainage from the one-way type drainage and add a rear yard catch basin, if necessary;
2.     Correct the ponding problem in the area of the southeast corner of his house;
3.     Relocate the downspouts from the rear of the house to the front of the house and connect them to the storm sewer system; and,
4.     Construct a retaining wall along the south and west property line, at the rear of his property.

Continued ...



- page 3 -  
March 30, 1992

**Lot Grading within Gurnett Estates - Phase 3**  
**Plan 62M-492, Hamilton**

Continued ...

We advised Mr. Veritis that we had no objection to his requests, provided that:

1. The subdivider and/or builder were willing to complete the work at their expense;  
(approx. cost \$19,000.00)
2. That a revised grading plan be submitted for our approval; and,
3. That letters of approval would be obtained from all affected landowners.

In co-operation with the City Law Department on September 17, 1991, we presented a proposal to resolve the lot grading problems on Lot 19. The builder and the subdivider were in agreement to carry out the proposal at their expense.

Under the proposal the builder agreed to:

1. Improve the swale along the west side of Lot 19 to ensure it achieved the 1% minimum slope;
2. Repair the settlement at the southeast of the house;
3. Relocate the downspouts to the front of the house without connecting them to the storm sewer. (At the time this subdivision agreement was entered into it was not a requirement that downspouts be connected to the storm sewer).

We believe that the terms of the proposal were reasonable and would have alleviated any difficulties Mr. Veritis was experiencing with respect to grading.

Mr. Veritis refused to accept anything other than his initial demands. To date, only the west side of Lot 19 has been regraded to a minimum 1% slope.

**Finalization Request**

The subdivider inquired in December 1991, as to how he could finalize the grading aspects of the development and have his securities returned to him. Since Lots 1 to 17

Continued ...



- page 4 -  
March 30, 1992

**Lot Grading within Gurnett Estates - Phase 3**  
**Plan 62M-492, Hamilton**

Continued ...

inclusive and 22 and 23 could not conform to the original grading plan, approval letters were requested. We advised the subdivider that he should make an effort to obtain written confirmation from each homeowner that they were satisfied with their "as constructed" grades.

An approval letter was prepared by the City Law Department for the subdivider's use. It was suggested that once we had received approval letters from each assessed owner that we would take the matter before the Planning and Development Committee for further direction. We have received 33 of 37 owners approval letters and a grading certificate for Lot 18.

The lot grading concerns of Mr. Veritis remain unresolved. It is our opinion that the City, subdivider and the builder have done their utmost to resolve the grading of Lot 19.

It is estimated that the required works to carry out the City proposal on Mr. Veritis's property would cost approximately \$2,700.00. The City is currently holding \$20,471.00 in securities and should retain:

- a) \$ 2,700.00 for grading of Lot 19;
- b) \$ 28.00 for the certificate of completion;

for a total of \$2,728.00.

We are therefore recommending that provided that the Law Department has received four outstanding release letters, the City Treasurer be authorized and directed to hold back \$2,700.00 pending further action by Mr. Veritis and reduce the security deposit held for grading as indicated above.

 CAU:tlj  
attach

cc: Mayor R. Morrow  
cc: P. Noe-Johnson, City Solicitor  
cc: D. Cobb, Treasury Department  
cc: B. Allick, Building Department



# PLAN 62M-

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF THE GOVERNMENT OF ONTARIO AND IS VALID FOR THE PURPOSES OF THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.

LAND REGISTRY FOR THE LAND TITLES DIVISION OF THE GOVERNMENT OF ONTARIO

THIS PLAN CO-OPERATES WITH THE PLAN OF PARCEL 21-12, SECTION BAR. 7 (C) DATED OF PARCEL 21-12, SECTION BAR. 7 (C)

APPROVED UNDER SECTION 50 OF THE PLANNING ACT BY THE COUNCIL OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH THIS DAY OF

REGIONAL CLERK HAMILTON

METRIC  
DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LOT	AREA	CURVED	DEVELOPING	RADIUS
10	8,192	8,403	N. 07° 12' 45" W.	25.000
11	8,192	8,403	N. 07° 12' 45" W.	25.000
12	8,192	8,403	N. 07° 12' 45" W.	25.000
13	8,192	8,403	N. 07° 12' 45" W.	25.000
14	8,192	8,403	N. 07° 12' 45" W.	25.000
15	8,192	8,403	N. 07° 12' 45" W.	25.000
16	8,192	8,403	N. 07° 12' 45" W.	25.000
17	8,192	8,403	N. 07° 12' 45" W.	25.000
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36	8,192	8,403	N. 07° 12' 45" W.	25.000
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39	8,192	8,403	N. 07° 12' 45" W.	25.000
40	8,192	8,403	N. 07° 12' 45" W.	25.000

## Burnett Estates - Phase Three

BEING A SUBDIVISION OF  
PART OF LOT 21 - CONCESSION 7

IN THE GEOGRAPHIC  
TOWNSHIP OF BARTON

CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:800

0 10 20 30 40 METRES

SIDNEY W. WOODS - INC.  
1986

### LEGEND

READINGS ARE APPROXIMATE AND ARE REFERRED TO AS SUCH. THIS PLAN IS VALID FOR THE PURPOSES OF THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.

1. DEDICATES A PLANNED MONUMENT.  
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40. DEDICATES A PLANNED MONUMENT.

### OWNER'S CERTIFICATE

THIS PLAN IS VALID FOR THE PURPOSES OF THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER. THE DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DATED THE DAY OF AUGUST, 1986.

SIDNEY W. WOODS - INC.

REGISTERED PROFESSIONAL ENGINEER

### SURVEYOR'S CERTIFICATE

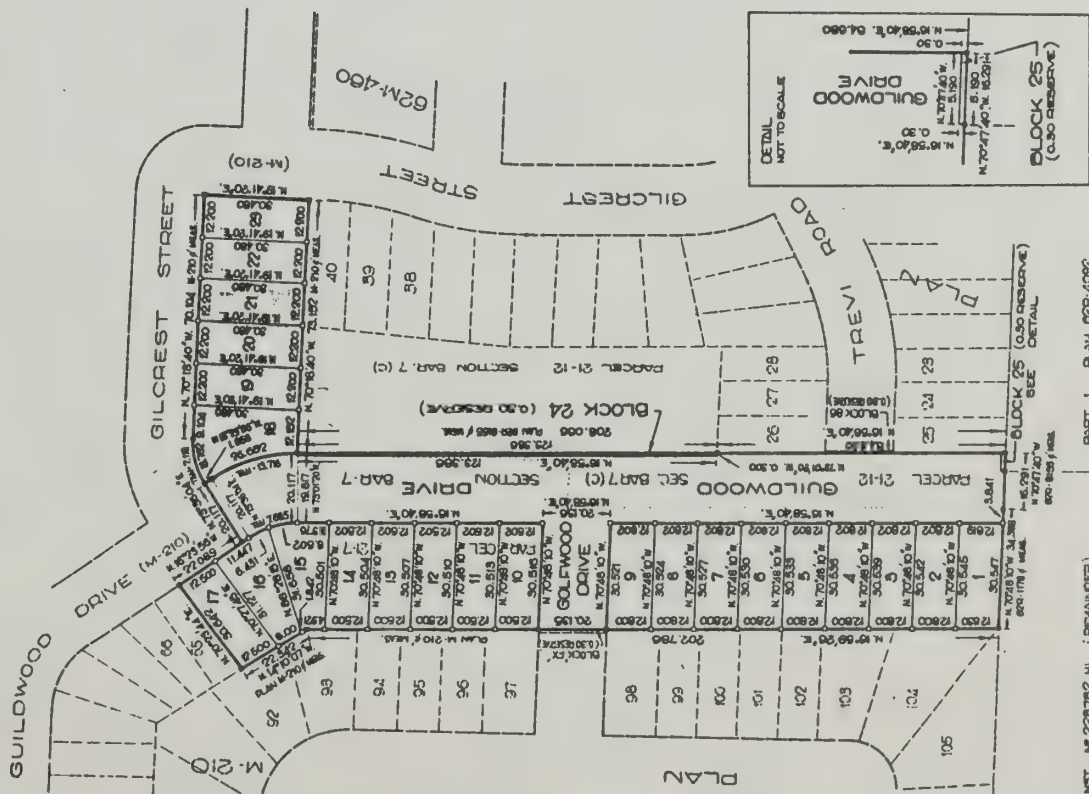
I CERTIFY THAT THIS PLAN IS VALID FOR THE PURPOSES OF THE LAND TITLES ACT AND THE REGULATIONS MADE THEREUNDER.

HAMILTON, ONTARIO

BRUCE & WOODS - O.L.E.

SIDNEY W. WOODS INC.  
ENGINEERS & SURVEYORS  
HAMILTON ONTARIO

C-4507



INST. NO. 228782 H.L. (REMAINING)  
PART 1, PLAN 62M-4092  
PARCEL 21-12, SECTION BAR. 7 (C)







**PLANNING AND DEVELOPMENT COMMITTEE**

**WEDNESDAY, 1992 APRIL 8**

**CONSENT AGENDA**

**A. ADOPTION OF THE MINUTES**

Minutes of the meeting held 1992 March 25.

**B. BUILDING COMMISSIONER**

Demolition of 47 Rosemont Avenue

**C. DIRECTOR OF PROPERTY**

MacNab Street Truck Tunnel - Grant of Easement from the City of Hamilton to Eaton Properties Limited

**D. ACTING DIRECTOR OF PUBLIC WORKS**

- (a) Concession Street Business Improvement Area (B.I.A.) Proposed 1992 Budget and Schedule of Payments
- (b) Third Annual Public Service Announcement Competition; Phase IV of the Downtown Action Plan
- (c) Fourth Annual Business Development Seminar

**E. SENIOR DIRECTOR, ROADS DEPARTMENT**

- (a) Claudette Gardens - Phase 2, Hamilton, Edan Heights - Phase 2, Hamilton (Cash in Lieu of 5% Parkland Dedication)
- (b) The Gardens of Rymal - Phase 2, Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)





4

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A.

Wednesday, 1992 March 25  
9:30 a.m. O'clock  
Room 233, City Hall

The Planning and Development Committee met.

**There were present:** Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. M. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

**Also present:** Alderman D. Ross  
Alderman G. Copps  
Alderman T. Cooke  
J. Pavelka, Acting Chief Administrative Officer  
V. Abraham, Planning Department  
P. Mallard, Planning Department  
J. Hickey-Evans, Planning Department  
J. Sakala, Planning Department  
A. Gillespie, Planning Department  
K. Extance, Planning Department  
L. King, Building Department  
P. Lampman, Building Department  
W. Wong, Building Department  
B. Allick, Building Department  
G. Aston, Regional Engineering Department  
M. Watson, Property Department  
D. Powers, Law Department  
J. McNeilly, Public Works Department  
R. Karl, Traffic Department  
D. Carson, Mayor's Office  
T. Agnello, Secretary

1. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

**Amendment to the Official Plan and amended Zoning Application 91-69, for a change in zoning from "J" to "DE-3", for property located at No. 165 Burton Street; Keith Neighbourhood**

Paul Mallard explained that subject to a holding provision requiring decommissioning the Planning Department recommends approval of the application.

The applicant has revised his plans to split the development into two building blocks and to reduce the number of units. The 30 required parking spaces are now being provided.

Mr. A. Ammendolia, prospective purchaser of the property, was present. He advised that purchase of the alley or roadway is still a possibility.



As recommended by the Commissioner of Planning and Development in a report dated 1992 March 18, the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No. 108 to redesignate lands located at 165 Burton Street, from "Industrial" to "Residential", and to remove the subject lands from "Special Policy Area 11" and to place them within "Special Policy Area 8", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to amended Zoning Application 91-69, Agommen Ltd., prospective owner, for a change in zoning from "J" (Light and Limited Heavy Industry, etc.) District modified, to "DE-3" - 'H' (Multiple Dwellings - Holding) District modified, to permit a 24 unit stacked townhouse development, on property located at 165 Burton Street, as shown on the attached map marked as Appendix "A", on the following basis:
  - (a) That the amending By-law apply the holding provisions of Section 35(1) of The Planning Act, R.S.O. to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District which will prohibit the development of the subject lands until notification is received from the Ministry of Environment that the decommissioning process has been satisfactorily completed. Furthermore, the applicant/owner is required to apply for and receive approval of a Site Plan including a noise study.
  - (b) That the subject lands be rezoned from "J" (Light and Limited Heavy Industry, etc.) District to "DE-3" - 'H' (Multiple Dwellings - Holding) District;
  - (c) That the "DE-3" (Multiple Dwellings) District regulations as contained in Section 10C of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special requirements:
    - (i) That notwithstanding Section 10C(3)(i)(b), a minimum front yard of a depth of at least 3.0 m shall be provided and maintained;
    - (ii) That notwithstanding Section 10C(3)(ii)(b), a minimum side yard of a width of at least 3.0 m shall be provided and maintained;
    - (iii) That notwithstanding Section 10C(3)(iii)(b), a rear yard of a depth of at least 15.0 m shall be provided and maintained;
    - (iv) That notwithstanding Section 18.(8)(c) 1., a minimum building distance separation of 10.0 m shall be provided and maintained;
    - (v) That notwithstanding Section 10C(5), a maximum of 24 multiple family dwelling units shall be permitted;
    - (vi) That notwithstanding Section 10C(6) at least 30% of the lot area shall be provided and maintained as landscaped area;



- (vii) That Section 18A(1)(c) shall not apply;
- (viii) That a solid visual barrier not less than 2.0 m in height shall be provided and maintained along the northerly lot line;
- (ix) That a visual barrier not less than 1.2 m nor more than 2.0 m in height shall be provided and maintained along the easterly side lot line, except for any area used for driveway access;
- (d) That the amending By-law be added to Section 19 of Zoning By-law No. 6593 as Schedule S-1267; and that the subject lands on Zoning District Map E-11 be notated S-1267;
- (e) That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 108 by the Regional Municipality of Hamilton Wentworth; and,
- (f) That the Keith Neighbourhood Plan (Industrial Sector "A") be amended by redesignating the subject lands from "Industrial" to "Medium Density Apartments".

## 2. CONSENT AGENDA

### A. ADOPTION OF THE MINUTES

The minutes of the Planning and Development Committee meeting of 1992 March 4 were approved as circulated.

### B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

#### **Durand Markland Heritage Conservation District - Consultants**

As recommended by the Secretary of the Local Architectural Conservation Advisory Committee in a report dated 1992 March 5, the Committee recommended to Council as follows:

That the City of Hamilton employ the consulting firms of Unterman McPhail Cuming Associates and Wendy Shearer Landscape Architect Limited to undertake the Background Study and Plan for the Durand Markland Heritage Conservation District.

### C. DIRECTOR OF PROPERTY

#### **Release of Building Covenants - City Sale to J. Piano, L. Mucci and J. Licatalosi - 225 Nebo Road**

As recommended by the Director of Property in a report dated 1992 March 10, the Committee recommended to Council as follows:

That the Mayor and City Clerk be authorized to execute the necessary documents to release the property at 225 Nebo Road, Hamilton from the construction covenants to the City as contained in Instrument Numbers 221167 L.T. and 221168 L.T. registered on 1988 April 6.



**D. BUILDING COMMISSIONER****(a) Demolition of 150 or 152 Catharine Street South**

As recommended by the Building Commissioner in a report dated 1992 February 17, the Committee recommended to Council as follows:

That the Recommendation approved by City Council on Tuesday, 1990 May 29 that stated as follows:

"The demolition control be applied to the following residential properties and that no demolition permit be issued until such time as the owner obtain a building permit":

- (a) 150 Catharine Street South
- (b) 152 Catharine Street South

be revoked, and that the Building Commissioner be authorized to issue a demolition permit for 150 Catharine Street South and 152 Catharine Street South.

Subject to a rezoning for a temporary parking lot.

\*Alderman B. McCulloch opposed.

**(b) Demolition of 39 Clifford Street**

As recommended by the Building Commissioner in a report dated 1992 March 16, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 39 Clifford Street.

**(c) Appointment By-law**

This item was pulled from the consent agenda for discussion.

Alderman Kiss inquired if there would be any additional costs associated with the appointments to which Mr. Lampman replied that the changes to the by-law are to reflect the proper titles of individuals. This is to update the by-law to the present staffing situation and, therefore, there will be no effect on salary.

As recommended by the Building Commissioner in a report dated 1992 February 24, the Committee recommended to Council as follows:

That By-Law 91-047 respecting appointments under the Building Code be amended as follows:

- (i) That Section 2(b) be amended by adding the words "and Director of Technical Services".
- (ii) That Section 4(b) be amended by deleting the words "Manager of Inspections" and replacing it with the words "Manager of Field Services".
- (iii) That Section 5(b) be amended by deleting the words "Manager of Plan Examination" and replacing it with the words "Manager of Customer Services".



- (iv) That Section 6(a) be amended by adding the names of Donald J. Inglis and John Spolnik
- (v) That Section 6(b) be amended by deleting the words "Supervisor of Building Standards" and replacing it with the words "Supervisor of Field Services".
- (vi) That Section 7(a) be amended by deleting the names "Donald J. Inglis and John Spolnik and replacing it with the name Linda Paterson".
- (vii) That Section 7(b) be amended by deleting the words "Supervisor of Inspection Services", and replacing it with the words "Supervisor of Customer Services".
- (viii) That Section 8(a) be amended by deleting the name "Thomas Redmond, P. Eng."
- (ix) That Section 9 be amended by deleting the following names:
  - Italo J. Dominic
  - Robert H. Bradshaw
  - George A. Korz
  - Johnny Walker
  - David Gibson
- (x) That Section 9 be further amended by adding the following names:
  - Frank Peter
  - Nancy Rahjer
  - Christine Hey
  - Monica Melnick
  - Ricard Kuipers
  - Debbie Eydt
  - George Caetano
  - George Robis
- (xi) That Section 11(a) be added to read as follows:
  - "The following person is appointed an Inspector:
  - "Thomas Redmond, P. Eng."
- (xii) That Section 11(b) be added to read as follows:
  - "The title of the Inspector appointed under clause (a) shall be as follows:
  - "Chief Building Engineer"

**E. ACTING DIRECTOR OF PUBLIC WORKS**

- (a) **Commercial Improvement Programme - Alleyway Light Fixtures - Westdale Village B.I.A.**

As recommended by the Acting Director of Public Works in a report dated 1992 March 10, the Committee recommended to Council as follows:



- (i) That, under the Commercial Improvement Programme, luminaires be affixed to building faces abutting alleyways within the Westdale Village B.I.A., to increase security of the alleyways at an estimated cost of \$16,000; and,
  - (ii) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
  - (iii) That the City Solicitor be authorized to register the lighting agreements on title.
- (b) **Commercial Improvement Programme - Alleyway Light Fixtures - Barton General B.I.A**

As recommended by the Acting Director of Public Works in a report dated 1992 March 6, the Committee recommended to Council as follows:

- (i) That, under the Commercial Improvement Programme, luminaires be affixed to building faces abutting alleyways within the Barton General B.I.A., to increase security of the alleyways; and,
- (ii) That the Mayor and City Clerk be authorized to execute an agreement to attach and maintain the lighting fixtures to the private property; and,
- (iii) That the City Solicitor be authorized to register the lighting agreements on title.

F. **COMMISSIONER OF PLANNING AND DEVELOPMENT**

(a) **Review of meetings pertaining to satellite dishes - public meeting**

The Committee approved the following recommendation of the Commissioner of Planning and Developments dated 1992 March 12 as follows:

That the Planning and Development Committee give authorization to hold a public meeting to consider the proposed changes to Zoning By-law No. 6593 respecting the location of satellite dishes.

(b) **Definition of Outdoor Patio - Public Meeting**

The Committee approved the following recommendation of the Commissioner of Planning and Development dated 1992 March 18 as follows:

That the Planning and Development Committee give authorization to hold a Public Meeting at its regularly scheduled meeting of 1992 April 22, to consider a general amendment to Zoning By-law No. 6593 to provide the following revised definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.



- (c) **Site Plan Control Application DA-91-72 to amend approved plans of DA-87-77 for modification to the existing fourplex at 203 Homewood Avenue**

As recommended by the Commissioner of Planning and Development in a report date 1992 March 16, the Committee recommended to Council as follows:

That approval be given to Site Plan Control Application DA-91-72 by Angelo Giacomelli, owner of lands at 203 Homewood, to amend approved plans of Site Plan Control Application DA-87-77 to incorporate changes to the parking and landscape area subject to the following:

- (i) modification to the plans related to dimensions, notes and paving as marked in red on the plans; and
  - (ii) approval by the Committee of Adjustment for the following variances:
    - (1) to reduce the required manoeuvring for the existing parking spaces from a total of 6.0 m to 5.92 m; and,
    - (2) to reduce the required number of parking from 5 to 4 spaces.
- (d) **City of Hamilton response - Environmental Waiver Request for Official Storm Sewer**

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 13, the Committee recommended to Council as follows:

- (i) The City of Hamilton advise the Regional Municipality of Hamilton-Wentworth that it supports the Environmental Waiver Request Report for the Official Storm Sewer, as shown on the attached map marked as Appendix "B", prepared by Dames and Moore, Canada, provided the measures identified in the Report to control erosion, silt, and sedimentation and the rehabilitation of vegetation in the easement are undertaken; and,
- (ii) That the City Clerk notify the Regional Clerk of the City of Hamilton's decision.

3. **ALDERMAN EISENBERGER**

**Roof Water Connections to Storm Sewers on New Developments**

The Committee was in receipt of a report from the Building Commissioner dated 1989 November 23 regarding By-law 80-245 as amended by the By-law 88-09 respecting land drainage.

Alderman Eisenberger introduced the matter explaining that in some cases roof water connections are not necessary and this causes undue burden on developers to provide this. He suggested that all townhouse applications be judged on their merits and if roof water connections are required that the applicant be directed to provide it.



Alderman Merling gave a brief history of the reasons why the City requires roof water connections citing examples of flooding and hazardous frozen sidewalks as a result of buildings not having roof water connections. He explained that approximately 12 years ago, requirements for connections were eased as a result of complaints at Committee regarding buildings with no connections. A report was prepared and it was determined by the Planning and Development Committee the benefits of requiring connections are substantial. This process involved several public meetings.

Alderman Charters and Alderman Wilson concurred with Alderman Merling.

Alderman McCulloch explained that there is flexibility in the by-law since developers have applied and received an exemption to the roof water connection if conditions of the development warrant it.

After the discussions, the Committee moved to direct Building Department staff to review the roof water connection by-law and prepare a report discussing the advantages and disadvantages of requirements under the by-law and to recommend alternate solutions.

#### 4. DELEGATION - URBAN DESIGN COMMITTEE

##### 4.1 **Fred Vermeulen - Request that the Urban Design Committee be circulated on Municipal projects dealing with Urban design matters**

Mr. Vermeulen was present and gave a brief presentation on his report to the Committee dated 1992 March 13.

In response to a question from Alderman McCulloch, Victor Abraham suggested that other City departments be asked to comment on the recommendation.

After brief discussion, the Committee resolved that the request that the Urban Design Committee be circulated on Municipal projects dealing with Urban design matters be circulated to all City departments for comment.

##### 4.2 **Lynda Morris - Urban Safety Study**

Fred Vermeulen and Lynda Morris gave a brief presentation on the report before the Committee dated 1992 March 13.

Alderman Kiss stressed the importance of personal safety and security as an issue in today's society.

In response to a question from Alderman Wilson, Lynda Morris replied that money to implement recommendations would be required only after the safety audit and recommendations have been made.

As recommended by the Chairman of the Urban Design Committee in a report dated 1992 March 13, the Committee recommended to Council as follows:

That the Urban Safety Study prepared by L. Morris to develop Urban Safety Design standards be endorsed and that funding for the study be investigated by the Planning and Development Department.



5. COMMISSIONER OF PLANNING AND DEVELOPMENT

**Zoning Application 89-94, No. 820 Rymal Road West, condition of approval; Broughton West Neighbourhood**

Mr. Dicenzo, prospective vendor of the southerly parcel of land to the south and his solicitor Mr. Anthony Dicenzo were present.

Mr. Fothergill, Planner, representing the applicant, Mr. Spenuk were also present.

Paul Mallard gave a brief history of the application for a zoning and official plan amendment. In 1989, the Planning Department recommended denial of the application. Council approved the application and added that approval was subject to purchase of the southerly strip of land. The purchase has not been completed and the applicant is requesting that this condition be removed. The Planning Department recommends reaffirmation of the original condition of disposition regarding that parcel of land.

Mr. Fothergill submitted a set of documents to the Secretary. He requested the Committee to delete their condition requiring the purchase of the southerly strip of land. He gave a brief history of the attempt to resolve the matter. He stated that the purchase price being offered by the vendor is high and that the conditions to be met are unreasonable.

In response to a question from Alderman Eisenberger, Mr. Dave Powers stated that a vendor can request recovery for costs.

Alderman McCulloch was of the opinion that since the matter has not been resolved in a two year period then the condition should be removed.

Alderman Merling stated that there is presently a legal suit pending between himself and Mr. Dicenzo and that he is acting as Ward Alderman without prejudice.

Anthony Dicenzo referred to a letter of 1992 February 14 sent to Mr. Spencer. He also gave a brief history of the attempt to resolve the issue. He stated that the conditions being suggested by the purchaser of the land are unreasonable and leave the vendor with no protection. Mr. A. Dicenzo suggested that if the conditions of the original zoning approval are not met then the zoning is invalid and Mr. Spencer should reapply for zoning. He also suggested that if the Committee reconsiders its previous decision the application should be rejected and reconsidered on its present merits.

Replying to a question from Alderman McCulloch, Dave Powers advised that if the condition to purchase the southerly strip of land is removed, that does not change the rezoning.

After brief discussion, the Committee resolved to table to matter to 9:00 a.m. at the next regular meeting of the Planning and Development Committee and that the City Solicitor be requested to prepare a confidential report for discussion at that time.

ZONING APPLICATIONS6. **Zoning Application 91-72, The Barn Fruit Markets Inc., Lessee, for a further modification to the "JJ" District regulations for property located at No. 2371 Barton Street East; Nashdale Neighbourhood**

The Committee was in receipt of a submission from Bruce S. Law, Chambers and Company Ltd., 20 Hughson Street South, Hamilton, L8N 2A1



The agent was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 13, the Committee recommended to Council as follows:

- A. That approval be given to Official Plan Amendment No. 107 to establish a "special policy area" to permit a grocery store for property municipally known as 2371 Barton Street East, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- B. That approval be given to Amended Zoning Application 91-72, The Barn Fruit Markets Inc., Lessee, for a further modification to the established "JJ" (Restricted Light Industrial) District regulations to permit a grocery store for property located at 2371 Barton Street East, as shown on the attached map marked as Appendix "C", on the following basis:
  - (a) That the "JJ" (Restricted Light Industrial) District regulations as set out under Section 16A of Zoning By-law No. 6593, as amended by By-Law Nos. 69-264 and 80-063, applicable to the subject lands, be further modified to include the following variance as a special requirement:
    - (i) That notwithstanding Section 16A(1)(ej) of Zoning By-law 6593, the following uses shall be permitted:
      - (1) a retail grocery store, including an accessory restaurant having a maximum seating capacity of 20 persons, only within the existing building;
  - (b) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-128b, and that the subject lands on Zoning District Map E-103 be notated S-128b;
  - (c) That By-law No. 69-264, applicable to the subject lands, be repealed;
  - (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council; and,
  - (e) That the proposed modification in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 107 by the Regional Municipality of Hamilton-Wentworth.
7. **Zoning Application 91-73, Benemar Construction Inc., owner, for a change in zoning from "C" to "R-4" for lands located south of Rymal Road East and west of the proposed extension of Upper Wentworth Street; Chappel West Neighbourhood**

The Committee was in receipt of a submission from Janice Lattin; Transcanada Pipelines, Calgary, Alberta

The agent was present on behalf of the applicant.

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 11, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-73, Benemar Construction Inc., owner, for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District, to permit small lot single-



family detached dwellings, for lands located in the area south of Rymal Road East and west of the proposed extension of Upper Wentworth Street, as shown on the attached map marked as Appendix "D", on the following basis:

- (a) That the subject lands be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single-Family Detached) District;
  - (b) That the City Solicitor be directed to prepare a By-Law to amend Zoning By-Law No. 6593 and Zoning District Map E-18E for presentation to City Council;
  - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
8. **Amended Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, for a change in zoning from "D" to "E-2", for property located at Nos. 320-330 Charlton Avenue West; Kirkendale North Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 March 12.

The Committee was in receipt of correspondence from the following people:

Mary A. Campbell, 231 Locke Street South, Hamilton  
Yvonne G. and Christopher L. Misener, 294 Herkimer Street, Hamilton  
Peter and Robin Barker, 400 Charlton Avenue West, Hamilton  
Bernard Dyer and Annett Hitchcock, 380 Charlton Avenue West, Hamilton  
Richard Glendenning, 394 Charlton Avenue West, Hamilton  
M. and E. DiFiore, 347 Charlton Avenue West, Hamilton  
Lillian and Russell Wilson, 334 Charlton Avenue West, Hamilton  
Camillo DiIppolito, 390 Charlton Avenue West, Hamilton  
Ross and Nadine Sanders, 362 Charlton Avenue West, Hamilton  
Italo and Ellen Horo, 374 Charlton Avenue West, Hamilton  
S. Wesley-James and Robert A. Craske, 381 Charlton Avenue West, Hamilton  
N. M. Boyd, 398 Charlton Avenue West, Hamilton  
Teresa and S. Lamanna, 396 Charlton Avenue West, Hamilton  
E. Jensen, 405 Charlton Avenue West, Hamilton  
Roy Harrison, 408 Charlton Avenue West, Hamilton  
Ruth Bullard, 298 Charlton Avenue West, Hamilton  
Antonio and Madaline Anacleto, 393 Charlton Avenue West

Paul Mallard advised that the application is a request to allow a modification for a 29 unit multiple dwelling in conjunction with a lunch and parish hall. It is presently zoned residential. In February, a public meeting was held and concerns were regarding traffic, parking and devaluation of property values. Mr. Mallard gave a breakdown of the people to be housed in this building consisting of disabled, parapelegic, hearing and sight impaired and senior citizens. 37 parking spaces are required under the by-law but given the tenancy mix, the applicant will provide 12 spaces which will be adequate. There will be no further traffic problem because Charlton Avenue is a regional artery road and a bus route. He stated there is no indication that values of properties will decrease as a result of the rezoning. He advised that the design, bulk and elevation of the proposed building is in keeping with existing surrounding buildings in addition to providing an increased setback to the west. Overall, the proposal provides affordable housing for special needs groups. Of 294 notices sent, 9 were in favour and 60 were opposed.

David Little, member of the Board of Directors of Artaban Non-Profit Housing at 426 Herkimer Street was present. He gave a brief history of the Housing Corporation which was established to deal with the project. He advised that the building is 3 1/2 stories in height.



Claire Waldron of 15 Chatham Street, Hamilton  
Lillian and Russel Wilson of 334 Charlton Avenue, Hamilton  
Mr. McIver of 332 Locke Street South, Hamilton  
Chuck Renaud, 56 Flatt Avenue, Hamilton  
Susan Skrtich of 325 Charlton Avenue West, Hamilton  
John Galvin of 336 Charlton Avenue West, Hamilton  
Margaret Webster of 30 Chatham Street, Hamilton

were present to voice the following concerns:

- building is too tall and large
- not enough visitor parking is provided
- parking problems will be created
- garbage bin may take up a parking space
- too many units in one building
- potential increased traffic
- no off street parking for caretakers
- devaluation of property
- type of people who will become residents
- potential loss of parking spaces in front of church
- alley for access is too narrow
- shadowing caused by 3 1/2 storey building
- fire access concerns
- disruption caused by construction
- sewage capacity

Regarding garbage, Mr. Little advised that a bin will most likely be placed on a landscape strip and an interior garbage room will be provided.

With regard to caretaker parking, Mr. Little advised that services such as DARTS may use the "no parking zone" in front of the church. Roland Karl stated that it could be possible to extend the no parking area in front of the church but the effect of this will be to decrease the number of parking spaces on the street.

Replying to concerns over fire routes, Mr. Little advised that the no parking zone in front of the church has always been used for this purpose.

Mr. Little advised that overall, the proposed residents will be capable of independent living. It will be an integration of church, residents and the neighbourhood. He felt that the neighbourhood is caring and supportive and that this type of residential proposal will work well.

Alderman Kiss was concerned about an Engineering report regarding ground water and the soil not being able to support footings. She stated that the application is not in keeping with the Kirendale Neighbourhood Plan. She has asked for an emergency and traffic report and has not yet received them. She suggested that a public information meeting be held to discuss these matters.

Alderman McCulloch was of the opinion that the site is overdeveloped.

Alderman Eisenberger stated the proposal would fit in well to a family oriented neighbourhood. Visitor parking is a concern.

Roland Karl advised that most parking will be required for caretakers during the day when most residents do not require the spaces.

In response to a question from Alderman Wilson, Mr. Little advised that the proposed building will have less shadowing than that which is present.

Replying to questions from Alderman Drury, Mr. Little explained that a church hall presently exists and that there is now no on site parking for people who use the church.



A discussion ensued regarding a public meeting which was held without the knowledge of all parties. Alderman Kiss advised that she organized the meeting and all parties had been invited.

Alderman Cooke advised that in cases of infilling, there will be many concerns.

Prior to voting on the main motion, the Committee voted and passed an amendment that the project be supported in principle.

Subsequently, the main motion as amended was passed as follows:

- (a) That a public information meeting regarding zoning application 91-78, Artaban Non-Profit Homes Inc., 320-330 Charlton Avenue West be held, that all parties be invited and that a report be brought back from staff to the Committee in 4 weeks.
- (b) That the project be supported in principle.

9. **CONFIDENTIAL AGENDA - DIRECTOR OF PROPERTY**

**Purchase of 15 Gerard Street**

The Committee approved the recommendation of the Director of Property in a report dated 1992 March 18 and recommended to Council as follows:

- (a) That the Director of Property be authorized to submit a formal tender for the purchase of property known as 15 Gerrard Street, Hamilton at the sale of this property for tax arrears by the City Treasurer. The tender shall be on the prescribed form required by the Municipal Tax Sales Act.
- (b) That the City Treasurer be authorized to issue a certified cheque for 20% of the tender amount as is required by the Municipal Tax Sale Act to be submitted with the tender application. The deposit cheque along with the remaining monies owed upon a successful tender bid to be charged to Account Number CF 5590 30875001 (Land Acquisition - Enclave Clearance Program)

10.1 **Joint Carter Square Advisory Committee**

10.2 **Commissioner of Planning and Development Committee - Carter Square Neighbourhood Plan Amendment**

The Committee was in receipt of correspondence from:

- (a) James C. Drake, Central Beasely P.R.I.D.E. Joint Carter Square Advisory Committee
- (b) Ken Hastings, Vice-President, Beasely Association, 179 Main Street, Hamilton, L8L 4V9

10.3 **Amended Zoning Application 91-61, Maurice C. Carter Holdings Ltd., owner, for a change in zoning from "H" to "E-3", modified, for lands located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue; Beasely Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 March 13.

The Committee was in receipt of correspondence from:

- (a) Karen Frazer, CN Rail, Suite 401, 277 Front Street West, Toronto
- (b) Shirley and Dave Spicer, 61 Cathcart Street, Hamilton, L8R 1M6



Claire Waldron of 15 Chatham Street, Hamilton  
Lillian and Russel Wilson of 334 Charlton Avenue, Hamilton  
Mr. McIver of 332 Locke Street South, Hamilton  
Chuck Renaud, 56 Flatt Avenue, Hamilton  
Susan Skrtich of 325 Charlton Avenue West, Hamilton  
John Galvin of 336 Charlton Avenue West, Hamilton  
Margaret Webster of 30 Chatham Street, Hamilton

were present to voice the following concerns:

- building is too tall and large
- not enough visitor parking is provided
- parking problems will be created
- garbage bin may take up a parking space
- too many units in one building
- potential increased traffic
- no off street parking for caretakers
- devaluation of property
- type of people who will become residents
- potential loss of parking spaces in front of church
- alley for access is too narrow
- shadowing caused by 3 1/2 storey building
- fire access concerns
- disruption caused by construction
- sewage capacity

Regarding garbage, Mr. Little advised that a bin will most likely be placed on a landscape strip and an interior garbage room will be provided.

With regard to caretaker parking, Mr. Little advised that services such as DARTS may use the "no parking zone" in front of the church. Roland Karl stated that it could be possible to extend the no parking area in front of the church but the effect of this will be to decrease the number of parking spaces on the street.

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Mr. Little advised that overall, the proposed residents will be capable of independent living. It will be an integration of church, residents and the neighbourhood. He felt that the neighbourhood is caring and supportive and that this type of residential proposal will work well.

Alderman Kiss was concerned about an Engineering report regarding ground water and the soil not being able to support footings. She stated that the application is not in keeping with the Kirendale Neighbourhood Plan. She has asked for an emergency and traffic report and has not yet received them. She suggested that a public information meeting be held to discuss these matters.

Alderman McCulloch was of the opinion that the site is overdeveloped.

Alderman Eisenberger stated the proposal would fit in well to a family oriented neighbourhood. Visitor parking is a concern.

Roland Karl advised that most parking will be required for caretakers during the day when most residents do not require the spaces.

In response to a question from Alderman Wilson, Mr. Little advised that the proposed building will have less shadowing than that which is present.

Replying to questions from Alderman Drury, Mr. Little explained that a church hall presently exists and that there is now no on site parking for people who use the church.



A discussion ensued regarding a public meeting which was held without the knowledge of all parties. Alderman Kiss advised that she organized the meeting and all parties had been invited.

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Prior to voting on the main motion, the Committee voted and passed an amendment that the project be supported in principle.

Subsequently, the main motion as amended was passed as follows:

- (a) That a public information meeting regarding zoning application 91-78, Artaban Non-Profit Homes Inc., 320-330 Charlton Avenue West be held, that all parties be invited and that a report be brought back from staff to the Committee in 4 weeks.
- (b) That the project be supported in principle.

9. **CONFIDENTIAL AGENDA - DIRECTOR OF PROPERTY**

**Purchase of 15 Gerard Street**

The Committee approved the recommendation of the Director of Property in a report dated 1992 March 18 and recommended to Council as follows:

- (a) That the Director of Property be authorized to submit a formal tender for the purchase of property known as 15 Gerrard Street, Hamilton at the sale of this property for tax arrears by the City Treasurer. The tender shall be on the prescribed form required by the Municipal Tax Sales Act.
- (b) That the City Treasurer be authorized to issue a certified cheque for 20% of the tender amount as is required by the Municipal Tax Sale Act to be submitted with the tender application. The deposit cheque along with the remaining monies owed upon a successful tender bid to be charged to Account Number CF 5590 30875001 (Land Acquisition - Enclave Clearance Program)

10.1 **Joint Carter Square Advisory Committee**

10.2 **Commissioner of Planning and Development Committee - Carter Square Neighbourhood Plan Amendment**

The Committee was in receipt of correspondence from:

- (a) James C. Drake, Central Beasely P.R.I.D.E. Joint Carter Square Advisory Committee
- (b) Ken Hastings, Vice-President, Beasely Association, 179 Main Street, Hamilton, L8L 4V9

10.3 **Amended Zoning Application 91-61, Maurice C. Carter Holdings Ltd., owner, for a change in zoning from "H" to "E-3", modified, for lands located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue; Beasely Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 March 13.

The Committee was in receipt of correspondence from:

- (a) Karen Frazer, CN Rail, Suite 401, 277 Front Street West, Toronto
- (b) Shirley and Dave Spicer, 61 Cathcart Street, Hamilton, L8R 1M6



Fred Vermeulen was present to speak on behalf of Charles Forsythe, Chairperson of the Joint Carter Square Advisory Committee.

Mr. Vermeulen stated that the Joint Carter Square Advisory Committee is comprised of representatives from several committees. He noted that the development of 14 acres in the downtown area is an opportunity not to be missed and would like to end up with a compromise all parties can live with.

Keith Exance advised that the zoning application was received 1991 June 17, the lands are currently zoned commercial and the Joint Committee has met on 6 occasions.

Of the uses proposed, Mr. Vermulen stated that the Committee is not supportive of the high density apartments which are not in keeping with the downtown core. There is also concern with the quality of landscaping and the issue of potential soil contamination.

Paul Mallard advised that of 359 people circulated, 17 were in favour and 20 opposed.

Don Mitchell and Roger Ingall were present representing the Carter family.

Mr. Mitchell explained that the optimum size for the dealership is 2.5 acres and all other land is surplus. He stated that a public consultation process has been conducted which has addressed safety, parking, crime, noise and housing density. He explained that there have been two changes to the initial application being the reduction of 20 staff buildings to 10 stories and the creation of 9 metre buffer zones alongside the car dealership.

Mr. Mitchell explained that the difference in density is one of 2.5 requested by applicant to 1.7 being suggested by the Planning Department.

Paul Mallard added that the parking for the senior's project is half that required under the by-laws.

James Drake gave a presentation to the Committee He stands opposed to the application based on the following:

- the proposal is a total change from the neighbourhood plan
- general public has not been heard
- too much land designated "non-profit"
- density is too high
- setbacks are not being met, some zero clearance to lot lines
- alleyways from Ferguson to Elgin poorly planned
- dealership property should be designated future residential

Ken Hastings was also present on behalf of the Beasley Neighbourhood Association. His concerns were as follows:

- traffic concerns
- extension of Robert Street as a pedestrian link
- no off street parking
- no allowance for "wider" sidewalks
- unclear specifications regarding landscaping
- no design guidelines; urban safety, canopies, lighting
- actual dimensions of Ferguson Avenue not established
- no room for raised concrete median
- range of tenures
- stakeholders have not been part of decision making process
- decommissioning issue
- density too high
- City should clean up area and develop



Eric Cambell, 274 Robert Street  
Dave Spicer, 61 Cathcart Street  
Barbara Zacconi, 141 Catharine Street North  
Jerry Burkovinsky, 280 John Street North  
Joseph and Assunta Messina, 127 Elgin Street  
Joe Macaluso, 24 Murray Street  
Helena Nortman, 34 Ontario Avenue (Stinson Association)  
Roger Ingalls, area resident -

were present to voice the following concerns:

- sidewalks will not be cleared of snow
- high density, low income
- potential vandalism, crime
- ghettoization of the area
- unknown number of units
- potential parking problems
- not enough single family dwellings
- 2.5 density is too high
- not enough room for children
- not enough parking
- no necessity for this type of development; have enough housing stock

Don Mitchell stated that the decommissioning of soil will require only 6 inches of material to be removed. He suggested that many of the citizens' concerns will be covered under site plan control. With regard to density, Mr. Mitchell said that he is prepared to have schedules attached to the by-law. He advised that 85 to 90 letters have been received in support of the proposal.

Butch Carter stated that the intention is to create a development with proper management; not to create a ghetto.

Mayor Morrow explained that a range of incomes are included in non-profit housing developments. This proposal would revive the downtown area. The main question is one of density.

The Committee moved to receive the report of the Joint Carter Square Advisory Committee dated 1992 March 18.

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 18, the Committee recommended to Council as follows:

That the amendment to the Beasley Neighbourhood Plan for the lands known as Carter Square (the block bounded by Cannon Street East, Elgin Street, Barton Street, and Cathcart Street), as shown on the attached map and the associated policy guidelines attached as Appendix "E", be adopted by City Council.

In response to a question from Alderman McCulloch, Victor Abraham stated that a compromise in density approaching 2.0 could be negotiable.

Don Mitchell advised that the existing 4 time coverage is already being reduced to 2.5.

Alderman Drury had concerns regarding setbacks, underground parking and density.

A discussion ensued regarding the possibility of instituting a holding by-law.

Victor Abraham advised that as a requirement of zoning, the applicant must provide a site plan including surveys and grading.



Following discussion, a motion was placed on the floor to approve amended Zoning Application 91-61 as submitted, and was defeated.

The Chairperson advised that the Planning and Development Committee is, therefore, forwarding a recommendation to Council as follows:

- (a) That amended Zoning Application 91-61, Maurice C. Carter Holdings Limited, owner, requesting a change in zoning from "H" (Community Shopping and Commercial) District to "E-3" (High Density Multiple Dwellings) District modified for Blocks "1", "2" and "3", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Blocks "4" and "5", to permit a multiple family residential development for property located within the block bounded by Cannon Street East, Elgin Street, Barton Street East and Ferguson Avenue North, as shown on the attached map marked as Appendix "F", be denied for the following reasons:
  - (i) it conflicts with the proposed Beasley Neighbourhood Plan amendment which designates the lands for "Medium Density Apartments"; and,
  - (ii) high density residential development would be out of character with existing residential development in the surrounding area which is predominated by one and two family dwellings to the west and further to the east.

11. **SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE**

Workshop on Neo-Traditional Neighbourhood Design - University of Waterloo, 1992  
April 22-23

As no member of the Committee wished to attend the conference, the Committee moved to not approve this recommendation of the Secretary of the Planning and Development Committee to send a delegate to the workshop.

12. **OTHER BUSINESS**

None.

13. **ADJOURNMENT**

There being no further business, the Committee meeting adjourned.


Taken as read and approved,

**ALDERMAN DON DRURY, CHAIRPERSON  
PLANNING AND DEVELOPMENT COMMITTEE**

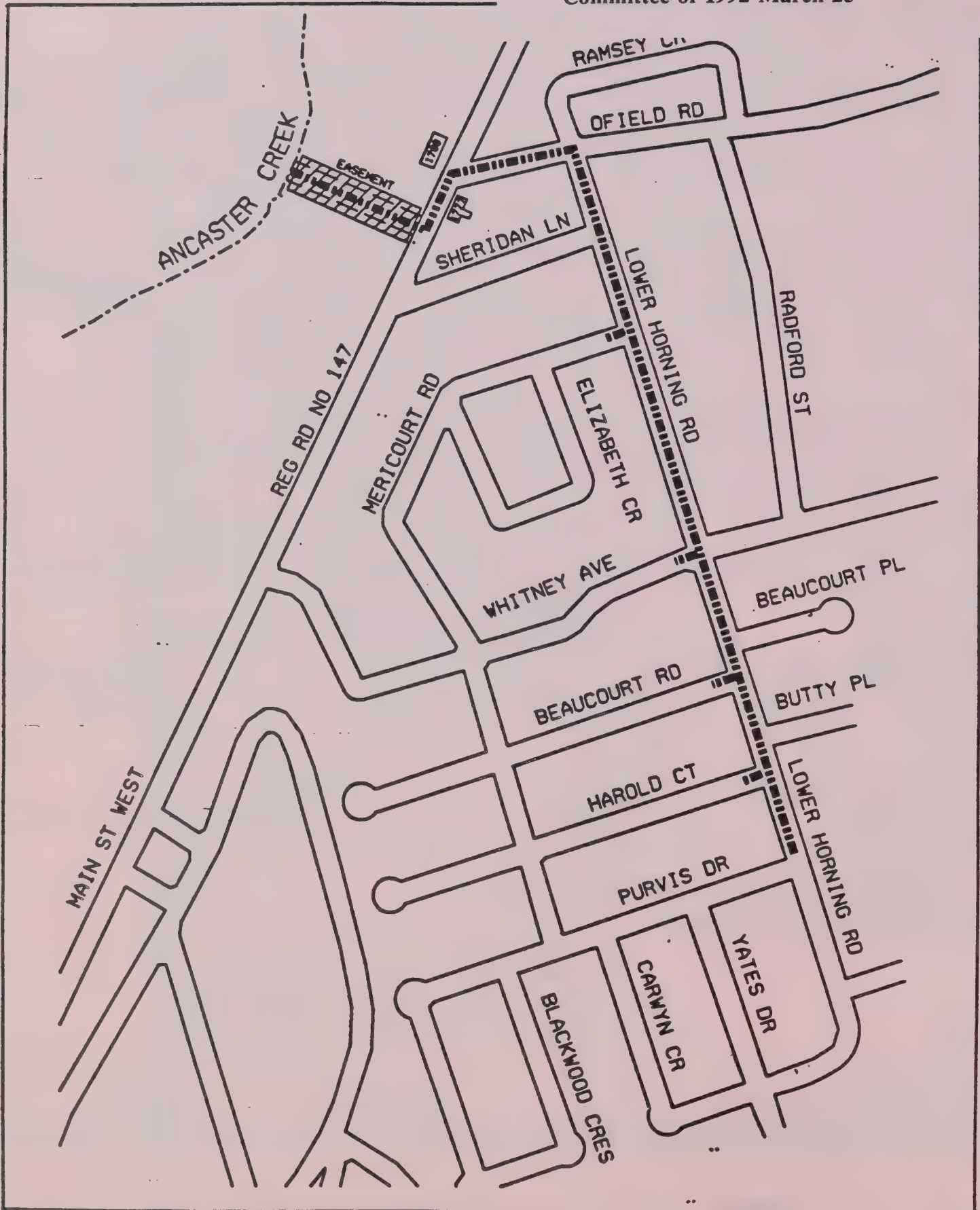
Tina Agnello  
Secretary  
1992 March 25



of the meeting of the Planning and Development Committee of 1992 March 25







LEGEND



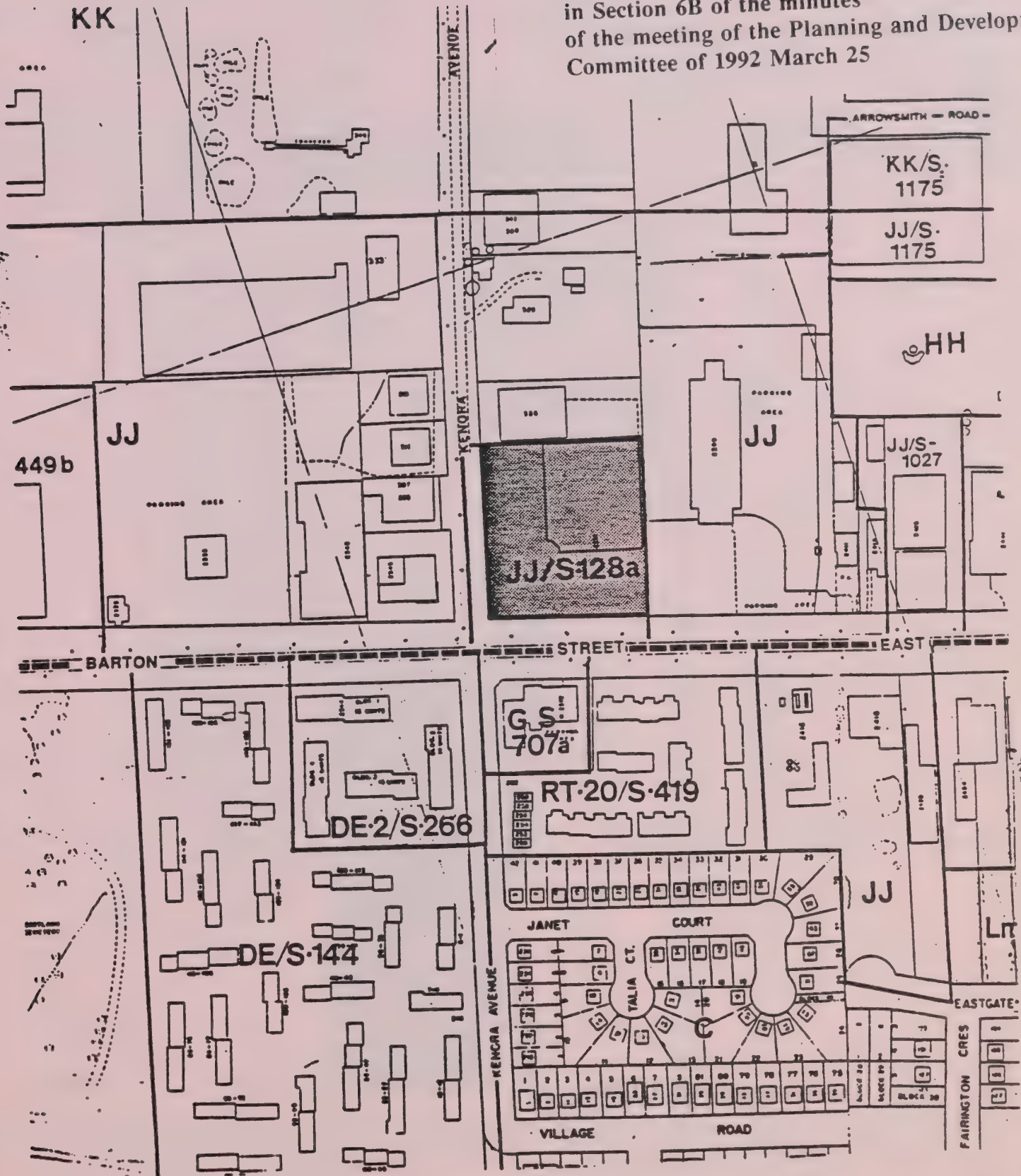
AREA SUBJECT TO ENVIROMENTAL  
WAIVER REQUEST



SEWER



Appendix "C" referred to  
in Section 6B of the minutes  
of the meeting of the Planning and Development  
Committee of 1992 March 25



Legend



Site of the Application





## LAND USE POLICIES

### A. Cannon Street

- the commercial designations on Cannon Street should remain. However, there should be no encroachment into the residentially designated area (to the west and east) nor should there be any extension of the commercial designation to the south side of Cannon Street East.
- automotive and related uses along the street could be strengthened through a BIA or similar initiative.

### B. Elgin Street (east side)

- stacked townhouses of 3 to 3 1/2 storeys in height.
- townhouse blocks should provide breaks to allow pedestrian access to the interior of the block.
- the design of the stacked townhouses should reflect that of the existing development on the west side of Elgin Street.
- a mix of housing tenures is encouraged.

### C. Pedestrian Extension of Robert Street

- a pedestrian link to Ferguson as an extension of Robert Street is appropriate. This requires the establishment of the walkway between Elgin and Robert Streets and its continuation east from Ferguson Avenue to the existing alley. The preferred alignment between Elgin and Ferguson is along the existing sewer easement.
- stacked townhousing to the mid-block.
- appropriate separation should be provided to create a quality landscaped area.

### D. Barton Street

- mixed commercial/residential uses are recommended. The ground floor level should be used for commercial purposes to reflect the use of Barton Street to the East and West.
- height along Barton should be limited to 2 storeys at the street level with residential structures could be set back to a maximum height of 8 storeys in total.



E. Ferguson Avenue

- A maximum height of ten storeys was identified as appropriate around a central focal point on Ferguson (where Ferguson Avenue intersects with the pedestrian extension of Robert Street). All other buildings should be restricted to a maximum of eight storeys.
- a mix of housing tenures is encouraged.

F. Cathcart Street

- stacked townhousing should be permitted on the west side of the street.
- stacked townhousing or conversion of the existing industrial building to residential use should be permitted.

G. Soil Decommissioning

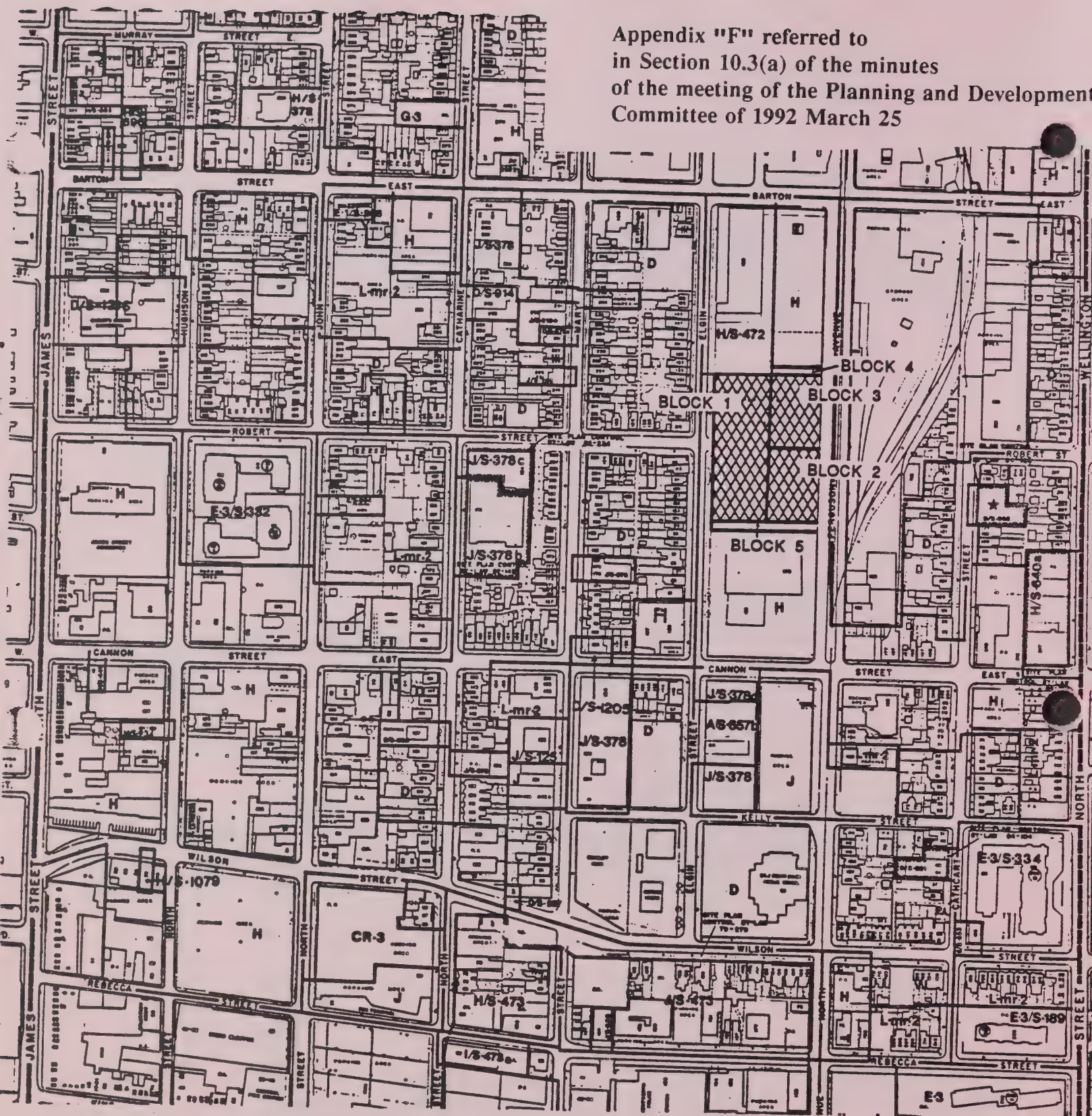
- soil studies to identify soil contamination on all sites within this area will be required. In addition, prior to the finalization of every application for development, decommissioning, to the satisfaction of the Ministry of the Environment, will be required.

H. Ongoing Stakeholder Consultation

- stakeholders (such as area residents) should continue to be consulted as the development of the area takes place to ensure that their concerns, including the policies and urban design guidelines outlined in the report of the Joint Carter Square Advisory Committee, are addressed. This will aid in the implementation of the amendment.



Appendix "F" referred to  
in Section 10.3(a) of the minutes  
of the meeting of the Planning and Development  
Committee of 1992 March 25



### Legend



Subject Lands

### Proposed uses:

**BLOCK "1"** Four 3.5-storey, stacked townhouse developments containing a total of 60 units.

**BLOCK "2"** One 10-storey, seniors apartment building containing 110 units.

**BLOCK "3"** One 10-storey, apartment building containing 92 units.

**BLOCK "4" & "5"** 9 m reserve. No buildings and structures permitted.

ZA-91-81  
AMENDED



**CITY OF HAMILTON**

B.

**- RECOMMENDATION -**

MAR 31 1992

**DATE:** 1992 March 30

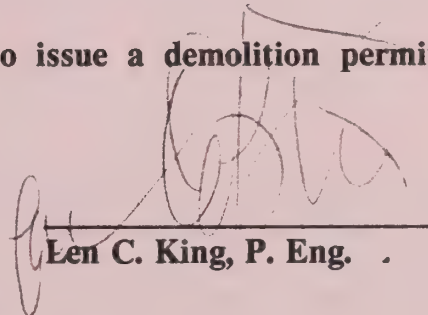
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
47 Rosemont Avenue - Tag Number 86139

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 47 Rosemont Avenue.



Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C" (Urban Protected Residential)

**PRESENT USE:** Single Family Dwelling (Vacant)

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** Two storey wood frame dwelling in poor condition

The intention of the owner is to demolish the existing dwelling and propose a new single family dwelling. The existing building was subject to extensive fire damage at the rear portion. Our Building Inspector has recommended demolition of the building.  
**Lot Size 25' x 100'**

The owner of the property as per the demolition permit application is:

Ken Cole  
47 Rosemont Avenue  
Hamilton, Ontario L8L 2M4

c.c. 92.2.4.2.1.A







C.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

MAR 24 1992

**DATE:** 1992 March 24

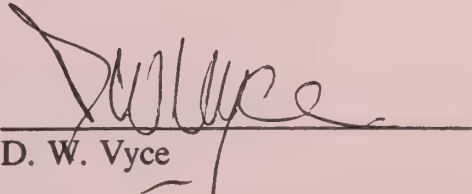
**REPORT TO:** T. Agnello, Secretary  
Planning and Development Committee

**FROM:** D. W. Vyce  
Director of Property and  
Co-ordinator of Lloyd D. Jackson Square

**SUBJECT:** MacNab Street Truck Tunnel - Grant of Easement from  
the City of Hamilton to Eaton Properties Limited

**RECOMMENDATION:**

- a) That the Corporation of the City of Hamilton enter into an Easement Agreement incorporating the provisions set out in a draft Agreement annexed hereto as Appendix "A", with Eaton Properties Limited, for the purpose of the City granting to Eatons, an easement to enter onto and use the most northerly portion (333 feet, more or less) of the north-south portion of the MacNab Street Truck Tunnel as a right-of-way for vehicular access only for the purpose of providing access to the shipping and receiving area of the adjacent Eatons Centre and department store. The easement will be enjoyed and used during the balance of the term of the Ground Lease for the Lloyd D. Jackson Square Development, commencing on the execution of this Agreement and expiring on October 31, 2069. The maintenance repair and replacement of the Truck Tunnel shall be shared amongst the users.
- b) That the Mayor and City Clerk be authorized to execute this Agreement.

  
\_\_\_\_\_  
D. W. Vyce

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A



***BACKGROUND:***

The MacNab Street Truck Tunnel running in a north-south direction from Wilson Street to Main Street beneath Lloyd D. Jackson Square, is encumbered by easements granted by the City in favour of various Lloyd D. Jackson Square companies, Dominion Realty Company Limited (developer of Commerce Place) and the Royal Bank of Canada (successor in title to the Robinson department store lands).

Eatons, as the owner of the Eaton lands, has constructed thereon, a department store and shopping mall, and as an owner abutting the MacNab Street Truck Tunnel, has requested the City grant to it, a vehicular access easement over the most northerly portion of the tunnel, in order to gain access to their subgrade shipping and receiving area.

The firm of Martin & Martin, Barristers and Solicitors, acting for the City in this regard, and working in concert with myself as Co-ordinator of the Lloyd D. Jackson Square, and Mr. D. Powers of our Law Department, has developed an agreement which will grant an easement to Eatons until October 31, 2069, over the most northerly 333 feet of the MacNab Street Truck Tunnel as described in Schedule 1 of the Agreement.

The Agreement provides for an acknowledgment by Eaton's of the continuing access to the Hamilton Farmers' Market and the Public Library over the lands by their vehicles. The Eatons Access Easement shall consist of two (2) southbound lanes and one (1) northbound lane, and be limited to use by trucks and other vehicles delivering goods to, and removing goods from, or providing services to the owners or tenants of the Eatons lands. The easement shall not be used for the movement of persons to and from the Eatons lands.

Eatons acknowledges and agrees that the City has reserved unto itself, under the Easement Lands, a subsurface easement for the MacNab Street sewer.

Eaton's covenants with the City that Eatons will cost share in repair, maintenance and replacement of the tunnel with other users.



attch.

c.c. P. Noé Johnson, City Solicitor  
**Attention: D. Powers**

R. Hammel, Acting City Treasurer

J. McAnanama, Chief Executive Officer, Hamilton Public Library  
**Attention: W. Guise**

Martin & Martin  
Barristers & Solicitors  
P. O. Box 970, Station A  
HAMILTON, Ontario  
L8N 3P9

**Attention: D. Howell**

(2719)



AGREEMENT

This Agreement made as of the                      day of                      ,  
1991,

B E T W E E N:

THE CORPORATION OF THE CITY OF HAMILTON

(hereinafter called "The City")

OF THE FIRST PART,

- and -

EATON PROPERTIES LIMITED

(hereinafter called "Eatons")

OF THE SECOND PART,

IN CONSIDERATION of the sum of One Dollar (\$1.00) now paid by each of the parties hereto to the other, the receipt and sufficiency of which is hereby acknowledged and in consideration of the mutual covenants herein contained, the parties hereto hereby agree as follows:

BACKGROUND, PURPOSE

1. Eatons is the owner of those lands in the City of Hamilton, more particularly described in Schedule 2 attached hereto ("Eaton Lands").
2. First Phase Civic Square Limited ("First Phase") is the lessee under a Ground Lease dated as of the 30th day of October, 1970 and registered in the Registry Office for the Registry Division of Wentworth on the 30th day of March, 1971, as Instrument No. 199968 A.B. which Lease has been amended under an Agreement made as of the 1st day of October, 1974, (the "Ground Lease Amendment Agreement") and registered in the said Registry Office on the 28th day of May, 1991, as Instrument No. 84434, and the Land Titles Office for the Registry Division of Wentworth on the 28th day of May, 1991, as Instrument No. LT300850, (hereinafter collectively called the "First Phase Ground Lease"). The lands leased to First Phase under the terms of the First Phase Ground Lease are hereinafter referred to as the "First Phase Lands".
3. Under the terms of the First Phase Ground Lease the City has granted an easement in favour of First Phase for vehicular access over, along and upon those lands identified as Firstly, Secondly, Thirdly, Fourthly and Fifthly in paragraph (b) of the Revised Schedule C, attached to the Ground Lease Amendment Agreement and which lands are more particularly described on Schedule 3 hereto (the "Vehicular Access Easement Lands").
4. In furtherance of their mutual obligations under the terms of the First Phase Ground Lease, the City (as to that portion lying south of the north limit of King Street West)



and First Phase (as to that portion lying north of the north limit of King Street West) have constructed a tunnel for vehicular traffic within the Vehicular Access Easement Lands (the "Tunnel").

5. Second Phase Civic Square Limited ("Second Phase") is a lessee under a ground lease dated as of November 19, 1975, and registered in the Registry Office for the Registry Division of Wentworth on the 16th day of August, 1976, as Instrument No. 21613 C.D. (hereinafter called the "Second Phase Ground Lease").
6. Under the terms of the Second Phase Ground Lease, the City has granted an easement in favour of Second Phase for vehicular access over, along and upon the Vehicular Access Easement Lands and Second Phase, therefore, is a user of the Tunnel and contributor to the sharing of the costs of the repair, maintenance and replacement thereof.
7. The City has also granted or intends to grant an easement in favour of The Dominion Realty Company Limited, for vehicular access over, along and upon the Vehicular Access Easement Lands and has consented to an assignment of an easement in the said Vehicular Access Easement Lands by the Royal Bank of Canada to the Canadian Realty Revenue Properties Ltd. The Royal Bank of Canada is the assignee of the interest of Robinson Securities Limited under an agreement dated June 13, 1972 between the City, First Phase, Yale Properties Limited, Robinson Securities Limited and the G.W. Robinson Company Limited (the "Robinson Agreement").
8. Eatons as the owner of the Eaton Lands, has constructed thereon a department store and shopping mall, and has requested the City to grant to it a vehicular access easement as follows:
  - A. over the lands described in Schedule 1, part of which form part of the Vehicular Access Easement Lands (hereinafter called the "Access Land"); and
  - B. over lands not part of Vehicular Access Easement Lands but owned by the City and also described in Schedule I (hereinafter called "Adjoining City Strip").

In conjunction with the Access Land and the Adjoining City Strip, Eatons will also be utilizing a portion of the Eaton Lands to provide vehicular access (hereinafter called "Adjoining Eatons Strip").
9. Under the terms of Paragraph (B) of Revised Schedule C attached to the Ground Lease Amendment Agreement, the sharing of the costs of the repair, maintenance and replacement of the vehicular access easement and Tunnel with users other than the City and First Phase shall be agreed upon by the City, First Phase and such other users from time to time.

#### GRANT OF EASEMENT

10. The City from and after the date of execution hereof by the City (the "Effective Date") hereby grants to Eatons, its successors and permitted assigns, a non-exclusive easement



in the nature of a right-of-way for vehicular access until October 31, 2069, in common with all others entitled thereto from time to time for vehicular access over, along and upon:

- A. that part of the lands described in Schedule 1 attached hereto as the Access Land; and
- B. that part of the lands described in Schedule 1 attached hereto as the Adjoining City Strip.

Collectively, this grant of easement is referred to as the "Eatons Access Easement", and is declared to be appurtenant to and for the benefit of the Eaton Lands.

11. Eatons acknowledges and agrees with the City that under the terms of the First Phase Ground Lease and the Second Phase Ground Lease the City has reserved unto itself under the Vehicular Access Easement Lands a subsurface easement for the "MacNab Street Sewer" upon the terms as more particularly set out in the First Phase Ground Lease and Second Phase Ground Lease and that this grant of the Eatons Access Easement by the City to Eatons is hereby subject to the reservation in favour of the City of the MacNab Street Sewer subsurface easement and the same limitations imposed upon the Lessee under the First Phase Ground Lease and the Second Phase Ground Lease.
12. Eatons hereby acknowledges that the Eatons Access Easement:
  - A. is subject to the continuing access to the Hamilton Central Stall Holders' Farmers' Market and to the premises of the Hamilton Public Library Board, the Eatons Access Easement being subject to the full and free continuing rights of access of such users; and
  - B. shall be used as follows:
    - (1) The Access Land, the Adjoining City Strip and the Adjoining Eatons Strip shall consist of two (2) southbound lanes and one (1) northbound lane; and
    - (2) Trucks and vehicles shall be permitted to cross the boundary between the northbound lane and the easterly southbound lane to the extent reasonably necessary to enter and exit the Eaton Lands; and
    - (3) No fence or other barrier which would interfere with the use of the said easement as set out herein shall be erected on the Access Land, the Adjoining City Strip and the Adjoining Eatons Strip; and
    - (4) The use of the Eatons Access Easement shall be limited to trucks and other vehicles delivering goods to, removing goods from or providing services to the owners, tenants, subtenants, licensees and the occupants of the Eaton Lands; and that in no event shall the use of the Eatons Access Easement be used for the movement of persons to and from the Eaton Lands.
13. In the event that Eatons shall no longer require the Eatons Access Easement it may upon thirty (30) days' notice to the City and to First Phase abandon the Eatons Access Easement which shall thereupon terminate Eaton's liability hereunder



to reimburse First Phase and or the City as the case may be for repairs, maintenance and replacement occurring after the date of such abandonment and termination, saving and excepting its liability to reimburse First Phase and/or the City, as the case may be, for expenses for repairs, maintenance and replacement incurred up to the date of such abandonment and termination.

#### REPAIRS AND MAINTENANCE

14. A. Eatons acknowledges that under the terms of Paragraph 7 of the Robinson Agreement, the Royal Bank (as assignee of Robinson Securities Limited) has agreed to reimburse First Phase for part of the annual cost of First Phase for repairing, maintaining and replacing that portion of the Tunnel lying north of the north limit of King Street West upon the terms and conditions as more particularly set out in that Paragraph 7 thereof. Eatons acknowledges and agrees that First Phase is entitled to recover the total cost (net of First Phase's fair share) of the repair, maintenance, and replacement of that portion of the Tunnel lying north of the north limit of King Street from such persons who may be granted an easement for the use of the Tunnel upon such terms as shall be agreed upon between such persons, and First Phase.
- B. Eatons covenants with the City that Eatons will contribute from the Effective Date to such costs relating to the Eatons Access Easement located on the Access Land upon such terms as may be agreed to between Eatons and First Phase, and failing agreement, Eatons agrees, if required by City, to submit to arbitration with First Phase in accordance with the provisions of paragraph 19 below and paragraph 2 of Section B titled Vehicular Access Easement of revised Schedule C of the Ground Lease between the City and First Phase Civic Square Limited, as provided for in the Ground Lease Amendment Agreement.
- C. Eatons covenants with the City that Eatons will be solely responsible from the Effective Date for such costs relating to the Eatons Access Easement located on the Adjoining City Strip until such time as the City grants other easements over the Adjoining City Strip, in which case Eatons agrees to share costs with other users from time to time.
- D. In the event that in the opinion of Eatons, the City and such other users as may be permitted by the City from time to time the sharing of the costs for the use of the Eatons Access Easement is not being shared reasonably, such person shall have the right to arbitration under paragraph 19.
15. A. Notwithstanding that Eatons shall have complied in all respects with its obligations under this Agreement, if First Phase wishes to relocate the existing Tunnel including the portion thereon on the Access Land of the Eatons Access Easement and to construct a new tunnel at a location within the leased lands of First Phase, and First Phase has agreed to surrender up to the City that portion of the First Phase Lands required for the location of the new vehicular access easement, and the City has agreed to such request and to provide a vehicular access over, along and through the same (and nothing herein shall be construed in any manner as suggesting the City has or may consent to such request)



then, on not less than one (1) year's prior written notice to Eatons given by the City, the City may replace and terminate the Eatons Access Easement upon the City granting to Eatons the permanent and temporary easements described in subparagraph 15(B) below.

8. In the event that notice is given to Eatons under subparagraph 15(A) above, the City shall provide for an alternative vehicular access easement permitting Eatons access to and egress from its underground loading dock facility within the Eaton Lands which access and egress shall be reasonably equivalent to the access provided for under this Agreement. Such alternate vehicular access easement may be temporary during construction (whether before or subsequent to the termination as aforesaid) and will be specifically determined and granted thereafter on the same terms and conditions as are contained herein, provided that during construction of such alternative vehicular access, the temporary vehicular access permits reasonable access to and egress from the loading dock facility on the Eatons Lands.

#### ADDITIONAL AGREEMENTS

16. Eatons shall and does hereby at all times indemnify and save harmless the City from and against all actions, causes of action, interest, claims, demands, costs, damages, expenses or loss which the City may bear, suffer to be put to by reason of any damage to property, including without limitation, to the MacNab Street Sewer, or injury or death to persons caused by the use, construction, repair, maintenance, removal or operation by Eatons, its tenants, subtenants, licensees, occupants, and their invitees, (including the suppliers of goods and services to the Eaton Lands) of the Eatons Access Easement including but not limited to any claims by First Phase against the City with respect to the Eatons Access Easement. Eatons agrees that its indemnity hereunder shall survive the expiry of this Agreement through early termination or otherwise in respect of any matter or occurrence arising up to the date of such expiry.
17.
  - A. The use of the Eatons Access Easement located on the Access Land shall be controlled in such reasonable manner as may be agreed upon by the City and First Phase, having regard to the users of such Eatons Access Easement located on the Access Land and the obligation of First Phase and the City to repair, replace and maintain their portions of the Tunnel. Such exercise of control shall not derogate from the grant of easement herein.
  - B. The use of the Eatons Access Easement located on the Adjoining City Strip shall be controlled in such reasonable manner as may be agreed upon by the City and Eatons, having regard to the users of such Eatons Access Easement located on the Adjoining City Strip, and the obligations of Eatons and the City to repair, replace and maintain their portions of the Tunnel. Such exercise of control shall not derogate from the grant of easement herein.
18. This Agreement may only be assigned by Eatons to an assignee of Eatons provided any such assignee shall assume and obligate itself to the City in respect of all obligations of Eatons hereunder, and provided that Eatons shall remain



liable for all its obligations hereunder unless such assignee shall also become the owner of the fee simple of the Eatons Lands.

19. If any dispute, controversy or disagreement arises between the parties to this Agreement relating to the interpretation or implementation of any of the provisions of this Agreement, it shall be resolved by arbitration. The arbitration shall be conducted by a single arbitrator pursuant to provisions of the Arbitrations Act R.S.O. 1980 c.25, and any amendments thereto or by any reenactment thereof and amendments thereto.
20. In the event that the Eatons Lands shall be used for a purpose other than as set out in paragraph 8 hereof, the parties agree to review the use of the Eatons Access Easement, taking into consideration the potential traffic in the Tunnel, and acting reasonably will amend this agreement as required.
21. A notice required or contemplated to be given or made hereunder shall be in writing and either delivered personally or sent by telegram, telegraph, telex, telecopy or other means of electronic telecommunication or by registered mail postage prepaid addressed as follows:

A. in the case of Eatons:

c/o The Cadillac Fairview Corporation Limited  
20 Queen Street West  
Fourth Floor  
Toronto, Ontario  
M5H 3R4

**Attention: Corporate Secretary**

B. in the case of the City:

The Corporation of the City of Hamilton  
City Hall  
P.O. Box 2040  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

**Attention: City Clerk**

or such other address of which either party may from time to time notify the other in writing. The time of giving or making such notice shall be:

1. if delivered or sent by means of electronic telecommunications, when so delivered or sent;
2. if mailed in Canada, other than during an actual or threatened postal disruption, on the second business day following the date of mailing; and
3. otherwise when received.



This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and permitted assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

EATON PROPERTIES LIMITED

\_\_\_\_\_  
Name:  
Title:

C/S

THE CORPORATION OF THE CITY OF  
HAMILTON

\_\_\_\_\_  
Mayor: Robert Morrow

\_\_\_\_\_  
Clerk: J. J. Schatz

C/S



## SCHEDULE 1

(A)

### ACCESS LAND

#### Land Titles Lands

Part of Parcel 1-1, Section W-50 being part of MacNab Street as shown on Andrew Miller's Survey, Plan No. 50, and on David Kirkendall's Survey, Plan No. 39 as closed by City of Hamilton By-Law No. 70-277 dated 29 September, 1970, and registered as Instrument No. 182919 A.B. designated as Parts 1 and 2, Plan 62R-10188, City of Hamilton, Regional Municipality of Hamilton-Wentworth,

Over, along and upon that part of the lands described above, being all of the said Parts 1 and 2 lying between two inclined planes, the upper plane having elevations of three hundred and twenty-two point zero feet (322.0 feet) geodetic datum and three hundred and thirty-three point four zero feet (333.40 feet) geodetic datum at its southern and northern extremities respectively, and the lower plane having elevations of three hundred and one point five zero feet (301.50) geodetic datum and three hundred and fifteen point nine zero feet (315.90 feet) geodetic datum at its southern and northern extremities respectively the Eatons Access Easement.

(B)

### ADJOINING CITY STRIP

#### Registry Lands

Part of MacNab Street as shown on Andrew Miller's Survey, Plan No. 50 and on David Kirkendall's Survey, Plan No. 39, as closed by City of Hamilton By-Law No. 70-277 dated 29 September, 1970 and registered as Instrument No. 182919A.B., designated as Part 3, Plan 62R-10188, City of Hamilton, Regional Municipality of Hamilton-Wentworth, which lands are abstracted as Jackson Square.

Over, along and upon that part of the lands described above, being all of the said Part 3 lying between two inclined planes, the upper plane having elevations of three hundred and twenty-two point zero feet (322.0 feet) geodetic datum and three hundred and thirty-three point four zero feet (333.40 feet) geodetic datum at its southern and northern extremities respectively, and the lower plane having elevations of three hundred and one point five zero feet (301.50) geodetic datum and three hundred and fifteen point nine zero feet (315.90 feet) geodetic datum at its southern and northern extremities respectively the Eatons Access Easement.



## SCHEDULE 2

### LEGAL DESCRIPTION OF EATON LANDS

#### FIRSTLY: (REGISTRY)

All of York Boulevard, South Branch, formerly part of Merrick Street, Registered Plan 39, as closed by By-law registered as 403889CD, now designated as Parts 1, 2, 3, 4, and 5, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Previously described in Instrument No. 419714CD.

#### SECONDLY: (REGISTRY)

Part of Lot 5, Block 5 and Part of Lot 6, Block 5, Plan 39, now designated as Parts 7, 8, and 9, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Previously described in Instrument No. 419715CD.

#### THIRDLY: (REGISTRY)

Part of Lot 5, Block 5, Plan 39 designated as Part 6, Plan 62R-8518, City of Hamilton, Regional Municipality of Hamilton-Wentworth.

Boundaries of the Parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 496533CD.

#### FOURTHLY: (LAND TITLES)

Parcel 4-2, Section W-39

That Part of Market Square (formerly York Street) as shown on Plan No. 50, now closed by City of Hamilton By-law No. 70-279 dated September 29th, 1970, and being registered as Instrument No. 182921 A.B., said Market Square being formerly part of Andrew Miller's Survey (Seven Acre Tract) in the block bounded by York Boulevard (formerly Merrick Street), James Street, Market Square and MacNab Street (now closed) registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62) at Hamilton, and designated as all of Part 6 on a Plan of Survey filed in the said Land Titles Office as Plan 62R-2801.

Previously described in Instrument No. 242857LT.

#### FIFTHLY: (REGISTRY)

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of Lots Numbers one (1) and Two (2) and Part Lot Four (4) in the Block bounded by James, Merrick, MacNab and York Streets in David Kirkendall's Survey registered in the Registry Office for the Registry Division of Wentworth as Plan No. 39 and part of Andrew Miller's Seven Acre (7 ac.) Tract as shown on plan filed in the said Registry Office in Miscellaneous Drawer No. 2 and designated as Part 1 on a Reference Plan of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.



Boundaries of the Parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD

SIXTHLY: (REGISTRY)

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Andrew Miller's Seven Acre (7 Ac.) Tract as shown on a plan filed in the Registry Office for the Registry Division of Wentworth in Miscellaneous Drawer No. Two (2), designated as Part 2 on a Reference Plan of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.

Boundaries of the Parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD.

SEVENTHLY: (REGISTRY)

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, in the Regional Municipality of Hamilton-Wentworth, being composed of part of Andrew Miller's Seven Acre (7 Ac.) Tract as shown on a plan filed in the Registry Office for the Registry Division of Wentworth in Miscellaneous Drawer No. Two (2), designated as Part 3 on a Reference Plans of Survey filed in the said Land Registry Office as Plan No. 62R-253.

As abstracted as Jackson Square.

Boundaries of the Parcel are confirmed under the Boundaries Act by Plan BA-776 registered as Instrument No. 700CD on January 13, 1976.

Previously described in Instrument No. 489137CD.

EIGHTHLY: (LAND TITLES)

Parcel 4-3, Section W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, in the block bounded by York Boulevard (formerly Merrick Steet), James Street, Market Square and MacNab Street (now closed), and part of Market Square (formerly York Street) now closed by City of Hamilton By-Law No. 70-279 dated September 29th, 1970, and registered as Instrument No. 182921 A.B., registered in the Land Registry Office for the Land Titles Division of Wentworth (No. 62), at Hamilton, designated as all of PARTS 5 and 7 on a Plan of Survey filed in the said Land Titles Office as 62R-2801.

Previously described in Instrument No. 242858LT.

NINTHLY: (LAND TITLES)

Parcel 4-5 W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, and part of Lot 4, and an unnumbered Lot according to David Kirkendall Survey as shown on Plan No. 39, both surveys begin in the block bounded by York Boulevard (formerly Merrick Street), James Street, Market Square (formerly



York Street) and MacNab Street (now closed), registered in the Land Registry Office Land Titles Division of Wentworth (No. 62) - at Hamilton, designated as all of Parts 1 and 2 on a Plan of Survey filed in the said Land Titles Office as 62R-2801.

Previously described in Instrument No. 242858LT.

TENTHLY: (LAND TITLES)

Parcel 4-4, Section W-39 (Freehold)

THOSE PARTS of Andrew Miller's Survey (Seven Acre Tract) as shown on Plan No. 50, in the block bounded by York Boulevard, (formerly Merrick Street), James Street, Market Square (formerly York Street) and MacNab Street (now closed), registered in the Land Registry Office (No. 62) - Land Titles Division of Wentworth - at Hamilton designated as Parts 3 and 4 on a Plan of Survey of record in the said Office of Land Titles at Hamilton, as Plan 62R-2801.

Previously described in Instrument No. 72617LT.



### SCHEDULE 3

#### THE VEHICULAR ACCESS EASEMENT LANDS

##### Firstly:

Part of Lots 23 and 40 in the block bounded by King, James, Main and MacNab Streets, P.H. Hamilton Survey (unregistered) designated as Part 1 on the said Reference Plan 62R-1524 being all of Part 1 lying between two inclined planes, the upper plane having geodetic datum elevations of three hundred and thirty-eight point five zero feet, (338.50') and three hundred and twenty-one point zero feet, (321.0') at its southern and northern extremities respectively and the lower plane having geodetic datum elevations of three hundred and twenty-four point zero feet, (324.0') and three hundred and two point five zero feet, (302.50') at its southern and northern extremities respectively.

##### Secondly:

Part of Lots 5, 20 and 23 P.H. Hamilton Survey in the block bounded by MacNab, Main, James and King Streets and part of King Street lying between the northern limit of Lot 5 and the northern limit of King Street as widened by City of Hamilton By-Law No. 70-336 dated November 10, 1970, and registered as Instrument No. 187452 A.B. designated as Part 2 on the said Reference Plan 62R-1524.

##### Thirdly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the Land Registry Office for the Registry Division of Wentworth as Plan No. 50, said MacNab Street now closed by City of Hamilton By-Laws Nos. 70-277 and 70-305 dated September 29th, 1970, and October 27th, 1970, respectively and registered in the said Land Registry Office as Instrument Nos. 182919 A.B. and 185464 A.B. respectively, designated as Parts 3, 4, and 5 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

##### Fourthly:

Part of Macnab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50, said MacNab Street now closed by City of Hamilton By-Law No. 70-277 dated September 29th, 1970 and registered as Instrument No. 182919 A.B. designated as Parts 6, 7 and 8 on Reference Plan 62R-1524.

Being part of freehold Parcel 1-1, in the register for Section W-50.

##### Fifthly:

Part of MacNab Street as shown on Andrew Miller's Survey registered in the said Land Registry Office as Plan No. 50 and on David Kirkendall's Survey registered in the said Land Registry Office as Plan No. 39, said Macnab Street now closed by City of Hamilton By-Law No. 70-277 dated September 29th, 1970, and registered as Instrument No. 182919 A.B. designated as Parts 9, 10 and 11 on Reference Plan 62R-1524 being all of the said Parts 9, 10 and 11 lying between two inclined planes, the upper plane having geodetic datum elevations of three hundred and twenty-two point zero feet (322.0') and three hundred and thirty-two point four two feet (332.42') at its southern and northern extremities respectively and the lower plane having geodetic datum



elevations of three hundred and one point five zero feet (301.50') and three hundred and fourteen point nine two feet (314.92') at its southern and northern extremities respectively.

Being part of freehold Parcel 1-1, in the register for Section W-50.

City of Hamilton, Regional Municipality of Hamilton-Wentworth.



MAR 27 1992

Da)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 25

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

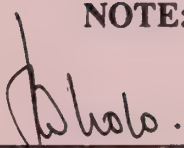
**SUBJECT:** Concession Street Business Improvement Area  
(B.I.A.) Proposed 1992 Budget and Schedule of  
Payments

**RECOMMENDATION:**

- a) That the 1992 operating budget of the Concession Street B.I.A. (attached as Schedule 'A') be approved in the amount of eight thousand, four hundred and twenty-five dollars (\$8,425.); and,
- b) That the City Solicitor be hereby authorized and directed to prepare the requisite By-law pursuant to Section 220 of the Municipal Act, R.S.O. 1991, to levy the 1992 Budget as reference (a) above; and,
- c) That the Schedule of Payments for 1992 be as follows:

April	\$4,225.00
October	\$4,200.00

**NOTE:** Levy arrears will be deducted from both payments for 1992.

  
\_\_\_\_\_  
Mr. D. Lobo,  
Acting Director of Public Works



***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

Concession Street B.I.A. held a General Meeting on 1992 March 04 where the Budget was passed.

JMcN:bk

cc: Ms. P. Noe Johnson, City Solicitor  
Law Department

Mr. I. R. Hammel, Acting City Treasurer  
Treasury Department

Mrs. S. Reeder, Secretary  
Finance and Administration Committee



"A"



BOARD OF MANAGEMENT

Concession Street  
Business Improvement Area

51 Summit Avenue, Suite 4  
(Above Royal Bank)  
Hamilton, Ontario L8V 2R7  
Bus.: 574-8804

Mar. 25, 1992

Community Renewal Department  
attention Jacqueline McNeilly

A meeting was held on Mar. 4 1992 to discuss the '92 budget for Concession St B.I.A. A budget of \$8425 was passed. Approximately fifty people attended the meeting of which 38 were voting members. The vote was 24 to 14 in favour of the \$8425 budget. Payment for this will be acceptable in two installments.

Thank you for your cooperation

Betty Toplack  
Acting Chairman







MAR 27 1992  
D b)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 27

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

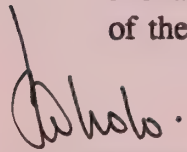
**SUBJECT:** Third Annual Public Service Announcement  
Competition; Phase IV of the Downtown Action  
Plan

**RECOMMENDATION:**

That in accordance with the Downtown Action Plan, Phase IV Sanitation Study Recommendations, adopted by City Council on 1988 November 29, the Third Annual Public Service Announcement Competition first and second prizes be awarded to:

1st Place: Nancy Olah for "Letters"  
2nd Place: Corinne Lye for "Basket"

- b) That funds be provided from Phase IV of the Downtown Action Plan for first prize at seven hundred dollars (\$700.) and, second prize at five hundred dollars (\$500.) and a donation to Mohawk College Media Studies Department of seven hundred dollars (\$700.) for development of the videos and use of equipment.



---

Mr. D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funds are available in Phase IV of the Downtown Action Plan Account Number CF 5698 428803006.



**BACKGROUND:**

In cooperation with Mohawk College, Media Studies Department and CHCH-TV Channel 11, the City of Hamilton has been holding an Annual Public Service Announcement Competition for the students of the Media Studies Programme. The theme for the Public Service Announcements is to keep Hamilton clean. Previous years winning submissions have been aired free of charge on CHCH-TV Channel 11 on a regular basis. A strong partnership between Hamilton City Council, the Keep Hamilton Clean Committee, the Downtown Action Plan Co-ordinating Committee, Mohawk College Media Studies Department and CHCH-TV Channel 11 has proven to be extremely successful in providing the public with this message.

JMcN:bk

cc: Keep Hamilton Clean Committee  
ATTN: Mr. D. Heintz

Mr. K. Wallis  
Mohawk College

Mr. B. Janes  
CHCH-TV Channel 11



APR 02 1992

Dc)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 1

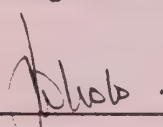
**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo  
Acting Director of Public Works

**SUBJECT:** Fourth Annual Business Development Seminar

**RECOMMENDATION:**

That the Fourth Annual Business Development Seminar be held in partnership with the Regional Municipality of Hamilton-Wentworth, Economic Development Department on 1992 October 20 at the Royal Connaught Hotel at a total estimated cost to the City of Hamilton of five thousand dollars (\$5,000.)

  
\_\_\_\_\_  
Mr. D. Lobo,  
Acting Director of Public Works

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funds are available within Phase IV of the Downtown Action Plan Account Number CF 5262 428803006. Five thousand dollars (\$5,000.) is an estimated upset fee for the City's cost to hold the Business Development Seminar. The 1991 Seminar, with sponsorship dollars from the local community, was held at no cost to the City of Hamilton. This will be the target again for 1992.

**BACKGROUND:**

The Business Development Seminar was first held in October 1989 as part of Phase IV of the Downtown Action Plan. Sponsorship from the business and corporate community has grown steadily with the coordinated efforts of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth, Ontario Skills Development, Hamilton's B.I.A.'s, the Federal Business Development Bank and so on. These partnerships will continue to be expanded with the growth of the role played by the Regional Economic Development Department and the Business Advisory Centre in the Seminar.

McN:bk







Ea)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

MAR 31 1992

**DATE:** 1992 March 30  
S703-77 M. Inrig  
S705-32 P. Strong

**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** Claudette Gardens - Phase 2, Hamilton  
Edan Heights - Phase 2, Hamilton  
(Cash in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

- a) That the City of Hamilton accept the sum of \$6,070.00 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 2", Hamilton, being the cash payment required under Section 50 of the Planning Act.

The lands of Claudette Gardens - Phase 2 are located west of Garth Street and north of Rymal Road West in the Falkirk East Neighbourhood.

- b) That the City of Hamilton accept the sum of \$30,000 as cash payment in lieu of the 5% land dedication in connection with Edan Heights - Phase 2, Hamilton being the cash payment required under Section 50 of the Planning Act.

The lands of Edan Heights - Phase 2 are located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood.

  
\_\_\_\_\_  
E. M. Gill, P. Eng.

Cont'd...



-Page 2-  
March 30, 1992

**Claudette Gardens - Phase 2, Hamilton  
Edan Heights - Phase 2, Hamilton  
(Cash in Lieu of 5% Parkland Dedication)**

Cont'd...

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

There are no financing costs associated with this report.

***BACKGROUND:***

**"CLAUDETTE GARDENS - PHASE 2", HAMILTON**

The Owner of Claudette Gardens, Phase 2 (800064 Ontario Inc. "A. DiSilvestro), will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the subdivision agreement is \$6,070.00.

**"EDAN HEIGHTS - PHASE 2", HAMILTON**

The Owner of Edan Heights, Phase 2 (603976 Ontario Limited, Mr. D. Valentini) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the final plan of subdivision has been attached for your information.

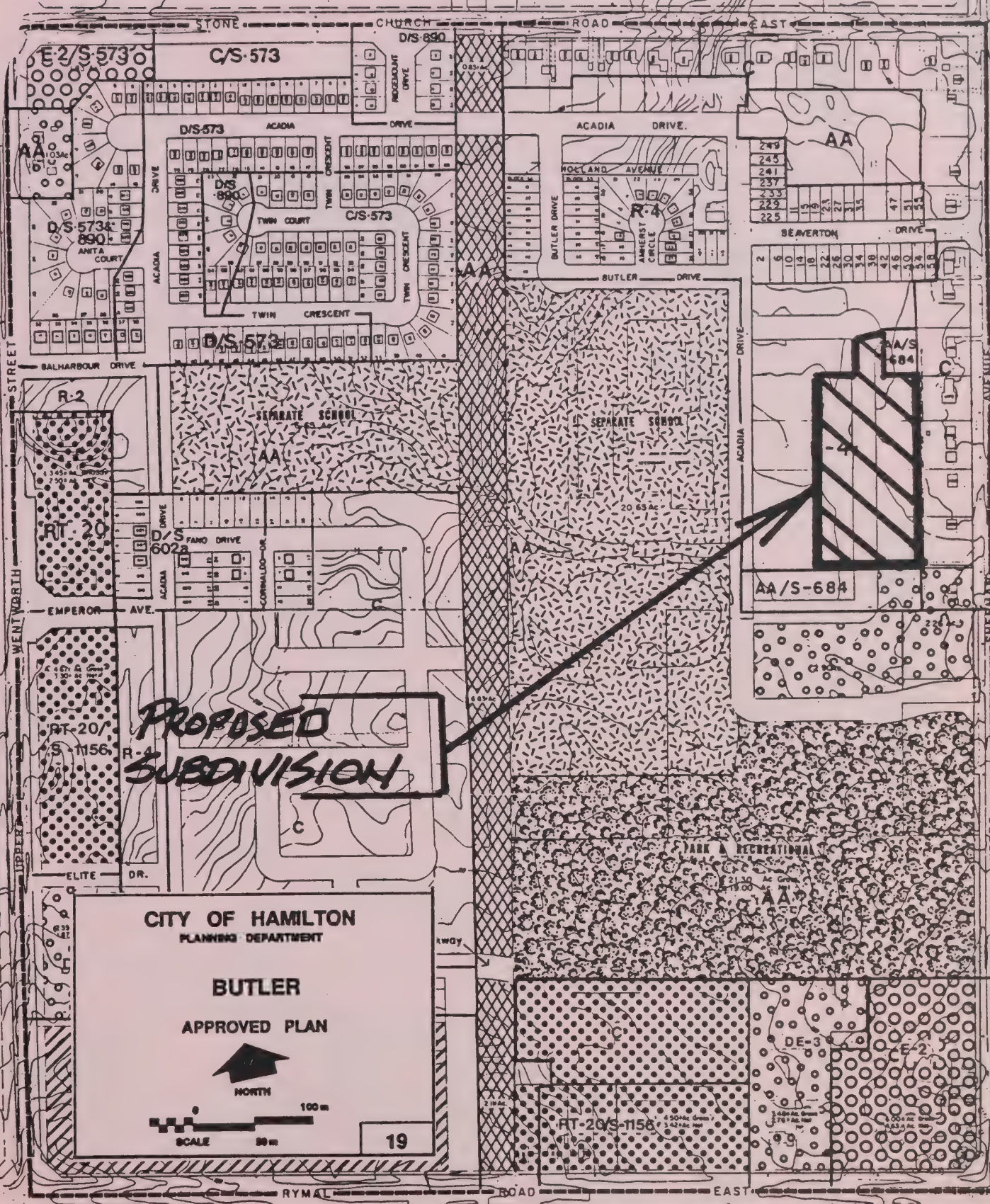
In accordance with normal City policy, City and Regional staff have completed calculations for the 5% cash payment in lieu of parkland dedication. The amount to be included in the subdivision agreement is \$30,000.00.



MJI:sw  
Attach.

cc: D. Cobb, City Treasury Department  
cc: R. Buckle, City Real Estate Department





NOTE: THIS IS A GUIDE PLAN ONLY AND IS SUBJECT TO CHANGE FOR DETAILS CONTACT THE LOCAL PLANNING DIVISION OF THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

# KEY PLAN FOR "EDAN HEIGHTS - PHASE 2"







Eb)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 11  
S718-72 M. J. Inrig

**REPORT TO:** Mrs. Susan K. Reeder, Secretary  
Planning and Development Committee

**FROM:** E. M. Gill, P. Eng.  
Senior Director  
Roads Department

**SUBJECT:** The Gardens of Rymal - Phase 2, Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)

**RECOMMENDATION:**

That the City accept the sum of \$15,170 as cash payment in lieu of the 5% land dedication in connection with The Gardens of Rymal - Phase 2, Hamilton, being the cash payment required under Section 50 of the Planning Act.

The lands of The Gardens of Rymal - Phase 2 are located south of Rymal Road East on the east side of Upper Wentworth Street in the Chappel East Neighbourhood.

  
for E. M. Gill, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

There are no financing costs associated with this report.

**BACKGROUND:**

The Owner of The Gardens of Rymal - Phase 2 (Benemar Construction Inc.) will be executing a subdivision agreement with the City of Hamilton in the near future. A copy of the Final Plan of Subdivision has been attached for your information.

Cont'd...



-Page 2-  
1992 March 11

**The Gardens of Rymal - Phase 2, Hamilton  
(Cash Payment in Lieu of 5% Parkland Dedication)**

Cont'd...

Under The Gardens of Rymal - Phase 1 subdivision, the subdivider dedicated land to the City (Part 1, Plan 62R-11210) for parkland purposes. The dedicated land covered the 5% parkland requirement for the Phase 1 development and provided a credit for future development. With The Gardens of Rymal - Phase 2 under development, the Subdivider is drawing on the remaining parkland credit to satisfy the 5% requirement for the new development. However, the remaining parkland credit is not large enough to meet the 5% requirement of the Phase 2 development. Therefore, the Subdivider will be making a cash payment to satisfy the 5% requirement not covered by the existing parkland credit and the amount to be included in the Subdivision Agreement will be \$15,170.

MJI:kk  
Attach.

cc: D. Cobb, City Treasury Department  
cc: R. Buckle, Real Estate Division,  
City Property Department











4.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 02 1992

**DATE:** 1992 April 2

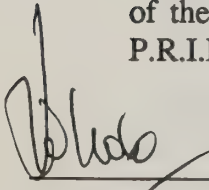
**REPORT TO:** Ms. T. Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. D. Lobo,  
Acting Director of Public Works

**SUBJECT:** Crown Point West/Stipeley Phase II P.R.I.D.E.  
Programme; Glendale Spinning Mills Truck Access

**RECOMMENDATION:**

- a) That funds be allocated from the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme at a total estimated cost of seventy thousand dollars (\$70,000.), 50% Provincial and 50% Municipal for the purpose of shifting truck traffic away from Primrose Avenue and on Barton Street on the north by relocating CP Rail's tracks and installing a hard surface for truck access as per Schedule 'A' attached; and,
- b) That the Director of the Property Department be authorized to negotiate a 10 year lease with CP Rail for the use of the portion of the CP Right-of-Way to provide this access road around Glendale Spinning Mills to enable trucks to enter Glendale lands from the north to reach their loading facilities on the south and to submit such lease terms to City Council for approval; and,
- c) That the Law Department be authorized to apply for OMB approval of the ten-year lease because of the applicable ongoing annual costs payable to CP Rail that will not be covered under the P.R.I.D.E. Programme.

  
\_\_\_\_\_  
D. Lobo,  
Acting Director of Public Works



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Funds are available through the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme at a total estimated cost of seventy thousand dollars (\$70,000.), 50% of which will be covered by the Ministry of Municipal Affairs. The Account Number is CF 5200 428902002.

The annual costs will include:

Lease	\$ 815.00 a year and taxes
Additional Cost of Maintenance of Crossing Lights	\$2808.00

These costs will be covered by the City of Hamilton railway crossing, Signal Maintenance Budget.

**BACKGROUND:**

As far back as 1988 February the Department of Public Works, Community Renewal Section (Community Development Department) as well as the Ward Aldermen, began discussing the closure of Beck and a portion of Belview Avenue with the Citizens' Advisory Committee for the Crown Point West/Stipeley P.R.I.D.E. Programme Phase I.

Subsequently, during implementation of Belview Park adjacent to Glendale Spinning Mills, Beck and Belview were closed. All necessary approvals were received and appropriate circularization was undertaken. However, during the 1989 to 1990 winter, truck access to Glendale Spinning Mills proved to be more difficult than earlier anticipated with the addition of snow, on-street parking and lack of proper turning radius in the Glendale Spinning Mills loading yards. On 1990 May 30 a public meeting was held at the Holy Name of Jesus School to receive public input regarding this access problem. All of the citizens present were adamant that the large trucks should not be allowed to remain on Primrose Avenue particularly since they back down the street into the Glendale Spinning Mills loading facility.

After many meetings with politicians, staff from the City and Region, CP Rail and Glendale Spinning Mills' President, Mr. Kamel, it appears that the only viable solution is to alter access to the loading area away from Primrose Avenue which is adjacent to Belview Park and to the Holy Name of Jesus School. The new access point will be from Barton Street South onto Belview Avenue and through the Spinning Mills northern yard onto CP lands and around to the south side of the building. In order to allow for this traffic movement, the CP tracks will have to be shifted over to the east, fences removed and hard surfaces reinstalled. This approach is recommended because of the magnitude of the neighbourhood problem. There appears to be no other manageable solution.



To shift the tracks, CP Rail has estimated that the cost will be fifty thousand dollars (\$50,000.) and to provide the necessary hard surfaces and fencing, the additional cost is estimated at seventeen thousand dollars (\$17,000.) plus contingencies.

The Ministry of Municipal Affairs has advised that they would be willing to consider the use of Provincial funds on this work. We will be formally approaching them once we have City Council's approval.

JMcN:bk  
*John*

cc: His Worship  
Mayor R. Morrow

Mr. D. Carson, Executive Assistant  
to the Mayor

Alderman B. Morelli, Ward Three

Alderman D. Drury, Ward Three

Mr. P. Noe Johnson, City Solicitor  
Law Department

Mr. G. Aston, Director of Programming and Development  
Roads Department

Mr. R. Pelland, CP Rail

Mr. A. Mielke, CP Rail

Mr. Kamel, President  
Glendale Spinning Mills







**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 31  
ZA-91-75  
Strathcona Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:**

Request for a modification in zoning - 22 Greig Street

**RECOMMENDATION:**

That approval be given to Zoning Application 91-75, Lily Trieu, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings) District, to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at No. 22 Greig Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations as set out under Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - a) That notwithstanding the provisions of Section 2(2)(H)(iii)(f) and (h) of By-law No. 6593, hairdressing shall be permitted as a home occupation on the basis that it is:
    - 1) carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
    - 2) provides for not more than one comb-out centre and one hair styling sink.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-11 be notated S- ;

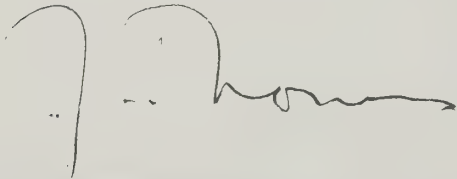


- iii) That the City Solicitor be direct to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,
- iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

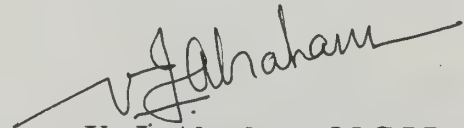
***EXPLANATORY NOTE:***

The purpose of the by-law is to provide a modification to the established "D" (Urban Protected Residential - One and Two Dwellings) District regulations for land at 22 Greig Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit a hairdressing business, operated as a home occupation for one hairdresser only. In addition, the By-law limits the hairdressing business to one comb-out centre and one hair styling sink.



**J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department**



**V. J. Abraham, M.C.I.P.  
Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- By-law 81-20

On January 13, 1981, City Council approved By-law No. 81-20 (approved by the Ontario Municipal Board on April 10, 1981) to prohibit, among other uses, hairdressing and barbering as a "Home Occupation" use.

- City Initiative 92-B

The Planning and Development Committee requested staff to "review the issue of Home Occupation Use and report back". This initiative is now underway and one of the "home occupation" uses being evaluated is hairdressing and barbering.



• Proposal

The applicant is requesting a modification to the existing "D" (Urban Protected Residential - One and Two Family Dwellings) District to permit hairdressing as a home occupation.

***APPLICANT:***

Lily Trieu, owner.

***LOT SIZE AND AREA:***

The subject property has the following dimensions:

- a frontage of 6.4 m (21 feet);
- a depth of 21.9 m (72 feet); and,
- a lot area of 140.5 m<sup>2</sup> (1,512 square feet).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings) District
<u>Surrounding Lands</u>		
to the north	Single Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the south	Single Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings) District
to the east	Single Family Dwelling	"D" (Urban Protected Residential - One and Two Family Dwellings) District



to the west

Single Family Dwelling

"D" (Urban Protected Residential - One and Two Family Dwellings) District

**OFFICIAL PLAN:**

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as **RESIDENTIAL** will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.4 Home Occupation uses may be permitted subject to Council's satisfaction that the following provisions are, or will be, adequately met:
- i) A Home Occupation will be carried on within a dwelling unit only by an owner occupying the dwelling, and employing only immediate family members that also occupy the dwelling;
  - ii) A Home Occupation will occupy only a limited floor area of the dwelling; and,
  - iii) The Home Occupation use will not detract from the **RESIDENTIAL** character of the area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support **RESIDENTIAL USES** in the area, new development will, subject to the Zoning By-law:
- i) Be required to be provided with adequate yards, off- street parking and loading, landscaping, screening, buffering or other such measures as determined by Council; and,
  - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent **RESIDENTIAL USES**."

According to Policy A.2.1.3 home occupation uses can be permitted in **RESIDENTIAL** areas. The proposal will comply with the Official Plan provided the provisions of the above noted policies are met.

**NEIGHBOURHOOD PLAN:**

The subject lands are designated "Single and Double Residential" in the approved Strathcona Neighbourhood Plan. The proposal complies with the intent of the approved Neighbourhood Plan.



**COMMENTS RECEIVED:**

- The Hamilton Region Conservation Authority has no objection to the proposal.
- The Hamilton-Wentworth Engineering Department advises that:
 

" There are public watermain and combined storm and sanitary sewers available to service these lands.

The applicant should be advised of a future 1.52 m road allowance widening to establish a minimum 15.24 road allowance.

In the absence of any details shown, we advise that any works within the Greig Street road allowance must conform to the City of Hamilton Streets By-Law."
- The Traffic Department advises that:
 

" In March 1989, the Traffic Department received a petition signed by representatives of 26 of the 31 dwellings on Greig Street regarding the lack of on-street parking. A "One Hour Parking Time Limit, 24 hours a day, seven days a week" regulation was implemented on Greig Street and time limit exemption permits were made available to the residents of the street. The By-law Enforcement section of the Traffic Department is continually receiving requests from the residents to ticket illegally parked vehicles and to enforce the one hour parking restriction. Parking in this area is already at a premium and the proposed addition of a hair salon will only increase the competition for on-street parking in this area. On this basis, we cannot support this application."
- The Building Department advises that:
  - "1. "Hairdressing" is not permitted as a Home Occupation.
  2. Hairdressing is a commercial use and is not permitted in a "D" zoning district."

**COMMENTS:**

1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal would not conflict with the approved Strathcona Neighbourhood Plan.
3. Subsequent to the passing of By-law No. 81-20 (see Background), Council has approved a number of similar zoning applications to establish "hairdressers" or "barbers" as "Home Occupation" uses, with limitations on the size of the operation, e.g. limited to one styling sink, one comb-out centre.



It appears that these restrictions have effectively mitigated the problems previously associated with "hairdressing" or "barbering" as a "Home Occupation" in that no complaints have been received by the Building, Health or Traffic Departments, respecting the newly established operations.

4. The Traffic Department's comments with respect to parking are noted, however past experiences indicate that this type of operation does not adversely effect the demand for on-street parking.

5. Taking into consideration the foregoing and the fact that:

- the business is only part time in nature and is primarily related to the walk-in trade from areas residents; and,
- the business will not alter the residential character of the existing dwelling;

the proposal merits consideration providing the operation is limited to one comb-out centre and sink, with one hairdresser who resides on the premises.

***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

CF/ma











7A  
75 I am opposed to the proposed zoning of - law amendment change to allow 22 Grieg Street to carry on a business.

Parking is a serious problem in this area. When Brinks had their business at the corner of Barton & Oxford Streets they had the parking changed to accommodate themselves.

The change was to park on the north side of Barton Street between Grieg & Ray Streets. We were never advised of this change. Eventually they occupied both sides of the street. The Brinks people would sit in their cars & eat & drink and then throw their garbage (such as coffee cups pop cans and donut bags) on the ground.

This created a daily mess for the neighbors to clean up.

At night the north side of Barton Street attracted



MAR 2 1952

The overflow parking from Oxford & Ray Street  
(due to the shortage of resident parking on both  
streets.) creating a lot of noise at all hours  
of the night.

Brinks has now moved and the parking  
on the north side of Barton Street is not  
allowed as the no parking signs has been  
re-installed.

My concerns include:-

- how will this zoning change affect my taxes
- what other types of business will be allowed  
with this change.
- will the neighbors be notified of any  
other new businesses proposed.

How do you propose to deal with the  
parking problem.

Mrs L. Galasso  
263 Barton St. W.  
Hamilton



561

m. m. Wm Herkel  
26 Greig St Hamilton  
ont - L8R 2W7

7A91-75

March 3 1992

APR 01 1992

This is in regards to the property of 22 Greig Street in Hamilton and the proposed change in zoning. My family strongly oppose to the idea of this woman, named Lily T. Reed, owner of the said address to have a hairdressing salon in her home. First of all she has alot of nerve deciding to apply now after she's been doing this job from her home ever since she moved into the house two or three years ago. She makes all this money in that ~~length~~ length of time without a license and without paying taxes on the money and she would have continued to do so if someone had not have reported her and I know for a fact she was reported. So now she tries to play on the mercy of the city and applies for a license as though she wants to start this business now, meanwhile she has been doing it all along. We're we the neighbours of Greig



Street aren't in agreement with her  
we fought to get our permit parking  
on this street so we would have parking  
spaces for our cars and now that she  
has been doing her hairdressing, her clients  
have the street all tied up for parking.  
on any given day she has at least twenty  
clients in there and on the weekends you  
can't leave your parking spot because it  
won't be there when you return. We're  
also not too pleased about the fact that  
we have her ~~chinese~~ chinese friends  
enter our homes without knocking. we  
have had them walk right into our homes  
and even on Christmas Day when they don't  
celebrate I had people come to my door  
for a haircut which I didn't appreciate  
at all, who wants to be bothered with them  
bothering you over Christmas when you're



having your own celebrations. and when  
they do park their car out on Grey Street  
they are only allowed an hour parking  
but they're in her house for hours and if  
you knock on her door about it she tells  
you they'll be out in a couple of minutes  
meanwhile you wait another hour or two  
or if no one sees them park there they  
claim they only been there a few minutes  
and they are a bunch of liars because I  
myself have timed them. then we phone  
the police - city bylaw because they've  
been there more then the hour limit  
and they come down ~~to~~ and mark their  
tires and they still sit there for another  
hour. meanwhile they've tied up someone  
parking spot for three hours in which  
we pay twenty five dollars a year for  
a permit and they park free. we'd were



sick + tired of those people taking over  
our street and our country as far as I  
am concerned. They think they own Canada  
and we are pleading with you to  
oppose her license for her hairdressing  
business, tell her to go work at a shop  
or rent a place where she is not  
interfering with our parking. They are  
so rude, they tell you off when you ask  
them to move their cars, most of our  
neighbours are tax payers on this street  
and we don't have to put up with the  
lives of these people free loading off us.  
Thank you for listening to my issues on  
this matter and I am so hoping that  
it will be opposed.

Sincerely

Tom + Mrs William Hertel



PROPOSED CHANGE IN ZONING - MODIFICATION TO THE D DISTRICT REGULATIONS

PROPERTY DESCRIPTION - NO. 22 GREIG STREET

I AM IN FAVOUR OF ( )

OPPOSED TO (X) (PLEASE CHECK (X) WHICH)

THIS PROPOSED MODIFICATION

.....  
HERTEL WILLIAM OR OCCUPANT  
26 GREIG ST  
HAMILTON ONT

L8R 2W7

.....  
FILE-ZA91-75 SEQ-00031

*Shing Hertel*  
.....SIGNED

PLEASE DIRECT INQUIRIES TO

PLANNING DEPT 546-4445







6.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 27

**REPORT TO:** Tina Agnello  
Secretary of the Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Proposed Re-zoning Application  
Proposed Draft Plan of Subdivision - "Acadia Estates"

**RECOMMENDATION:**

(1) Zoning Application:

That approval be given to Zoning Application 91-81, Joyce Maria Carnicelli and Carriage Gate Homes Ltd., owner, requesting a change in zoning from "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single Family Detached) District (Blocks "2" and "3"), to permit small lot single family detached dwellings, for the property located west of Upper Sherman Avenue and south of Stone Church Road East, shown as Block "1", "2" and "3" on the attached map marked as APPENDIX "A", on the following basis:

- (i) That Block "1" be re-zoned from "AA" (Agricultural) District, to "R-4" (Small Lot Single-Family Detached) District;
- (ii) That Blocks "2" and "3" be re-zoned from "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single-Family Detached) District;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (iv) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.



Explanatory Note:

The purpose of the by-law is to provide for changes in zoning for lands in the area west of Upper Sherman Avenue and south of Stone Church Road East, as shown on the attached map, on the following basis:

- Block "1" Change in zoning from "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Detached) District.
- Blocks "2" & "3" Change in zoning from "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single Family Detached) District.

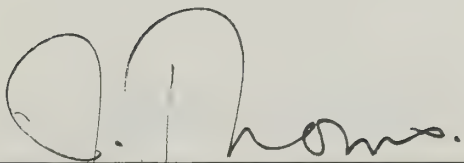
The effect of the by-law is to permit development of the subject lands for small lot single-family detached dwellings.

(2) Subdivision Application:

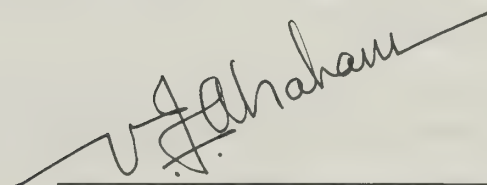
- (a) That approval be given to application 25T-90018, Carriage Gate Homes Ltd., owner, to establish a draft plan of subdivision in the area west of Upper Sherman Avenue and south of Stone Church Road East, subject to the following conditions:
  - (1) That approval apply to the plan prepared by A. J. Clarke and Associates Ltd., dated March 27, 1990, revised by adjusting the lot lines to eliminate Block 23 and other minor lotting changes, now showing 22 lots and a block for 0.3 m reserve.
  - (2) That the final plan not be approved until such time as municipal sewers and water and road access are available to service the lands.
  - (3) That the street be dedicated to the City of Hamilton as public highway on the final plan.
  - (4) That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
  - (5) That the final plan conform to the Zoning By-law approved under the Planning Act.
  - (6) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
  - (7) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the total area of the subdivision in the final plan.



- (8) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the final plan to the City of Hamilton for park purposes.
- (9) That the dead-end of the road allowance created by the plan be terminated in a 0.3m reserve to be conveyed to the City of Hamilton and be held by the City until required for the future extension of the road allowance.
- (10) That the owner erect a sign in accordance with Section XI of the subsequent subdivision agreement prior to the issuance of a final release by the City of Hamilton.
- (11) That the owner agree, in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That the subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this application (25T-90018), Carriage Gate Homes Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
- (c) That the neighbourhood plan road pattern be changed accordingly.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning & Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director**  
**Local Planning Branch**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A



**BACKGROUND:**

**Owner:** Carriage Gate Homes Ltd., Hamilton, Ontario

**Surveyor/Agent:** A. J. Clarke and Associates Ltd., Hamilton, Ontario

**Location:**

The lands, comprising 1.12 ha, are located to the west of Upper Sherman Avenue, south of Stone Church Road East in the Butler Neighbourhood, City of Hamilton.

**Land Use and Zoning:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north and east	Residential	"C" (Urban Protected Residential, etc.) District
to the south	Residential	"R-4" (Small Lot Single-Family Detached) District
to the west	Vacant & Residential	"AA" (Agricultural) District and "R-4" (Small Lot Single-Family Detached) District

**Re-zoning Proposal:**

The owner proposes to re-zone the lands from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single-Family Detached) District.

**Subdivision Proposal:**

The owner proposes to subdivide the lands into 22 lots for zero lot-line, single-family dwellings, a block for development with abutting lands and a 0.3 m reserve. The minimum lot size proposed has a width of 9.0 m and an area of approximately 278m<sup>2</sup>.

**Existing Development Controls:**

Hamilton-Wentworth Official Plan - the lands are identified as "Residential and Related Uses" within the "Urban Policy Areas". The proposal does not conflict.



City of Hamilton Official Plan - the lands are designated "Residential". The proposal complies.

Neighbourhood Plan - the lands are designated for Residential-single and double use. The proposal complies with the exception of the road pattern which is proposed as a through street, whereas the neighbourhood plan proposes two cul-de-sacs.

Zoning - the changes noted on Appendix "A" are required to permit the proposed development.

Niagara Escarpment - the lands are not within the "Development Control Area", therefore, the regulations do not apply.

### Comments From Circulation:

#### (1) Re-zoning Application:

The Hamilton Region Conservation Authority have reviewed the above-mentioned proposal and do not have any objection.

The Traffic Department has reviewed the application and has forwarded the following comment:

*"Our only concern is that there appears to already be a substantial area in this neighbourhood zoned R-4 and we, therefore, question the appropriateness of this proposal in terms of providing a mixture of housing types".*

The Hamilton-Wentworth Engineering Department has advised the following:

*"There are external watermains and separate storm and sanitary sewers available. Internal servicing, road matters, etc., will be dealt with under the draft plan of subdivision for "Acadia Estates".*

The Building Department has reviewed the application and has forwarded the following comment:

*"The lot area and width shall conform to Section 9A(2)(c) of the Hamilton Zoning By-law No. 6593".*

#### (2) Subdivision Application:

The following agencies have advised that they have no comment or objection toward the proposal:

- Ministry of Transportation
- Min. of the Environment (subject to noise control measures for Lots 1 & 2)



- Ministry of Natural Resources
- Ministry of Culture and Communications
- City of Hamilton Board of Education
- Union Gas, Ontario Hydro, Bell Telephone
- Hamilton Region Conservation Authority
- City of Hamilton Traffic Department
- City of Hamilton Building Department (subject to re-zoning)

The Hamilton-Wentworth Department of Engineering, (now Environmental Services Group), has submitted the following comments and recommendations:

"For Information:

- (1) *That municipal storm and sanitary sewers and watermains are available on Upper Sherman Avenue to service Lots 1 and 2 only.*
- (2) *That municipal storm and sanitary sewers and watermains are not available to service the remaining lands of the subdivision directly. The proposed development will have to await the installation of services from the west and south through private lands.*
- (3) *There will be no Regional share for services in this project.*

Recommendations:

- (1) *The owner must enter into a Subdivision Agreement with the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.*
- (2) *That the plan not be registered until storm and sanitary sewers are available from the west and a watermain from the south.*
- (3) *That Block 23 only be allowed to develop when lands to the west develop.*

*The submitted plan as prepared by A. J. Clarke and Associates Ltd., and dated March 27, 1990, is satisfactory to the Department of Engineering subject to the above noted comments and recommendations".*

Comments:

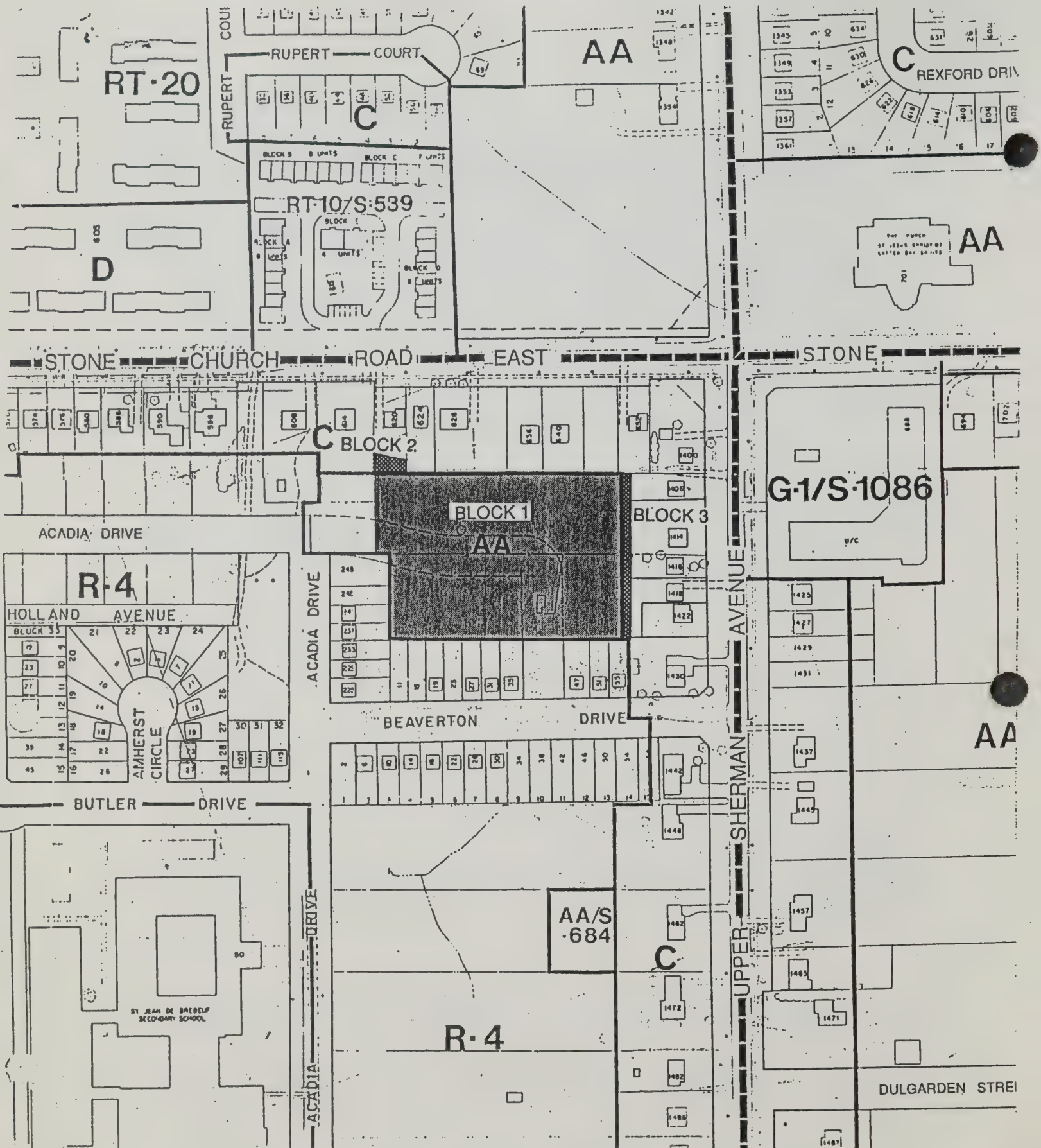
- (1) This report deals with and includes recommendations in regard to a proposed draft plan of subdivision and a proposed amendment to the Zoning By-law to implement the plan.
- (2) The owner requested minor revisions to the lotting to delete Block 23 and divide the area between Lots 12 to 15 inclusive, and to align the rear lot line of Lots 3 to 5 inclusive with the rear of Lots 6 and 7.



- (3) The neighbourhood section has advised that they have no objection to the proposal. However, the street pattern does not conform to the neighbourhood plan, therefore, if the proposal is permitted, the plan will have to be revised.
- (4) As no part of the subject land is designated for park or recreational use in the approved neighbourhood plan, it is recommended that the parkland requirement for this subdivision be taken as cash-in-lieu of land.
- (5) The proposal has merit and can be supported for the following reasons:
- it is an infill housing development;
  - it implements the intent of both the Official Plan and the approved Butler Neighbourhood Plan;
  - it would be compatible with existing development in the area.
- (6) The concern of the Ministry of the Environment in regard to traffic noise adjacent to Upper Sherman Avenue can be implemented through the conditions of approval to be established by the Region of Hamilton-Wentworth.

CMD/LJL/l1  
Attach.  
Reports.Cit/Dir  
25T90018





# Legend

Proposed changes in zoning from:



"AA" (Agricultural) District to "R-4" (Small Lot - Single Family Detached) District.

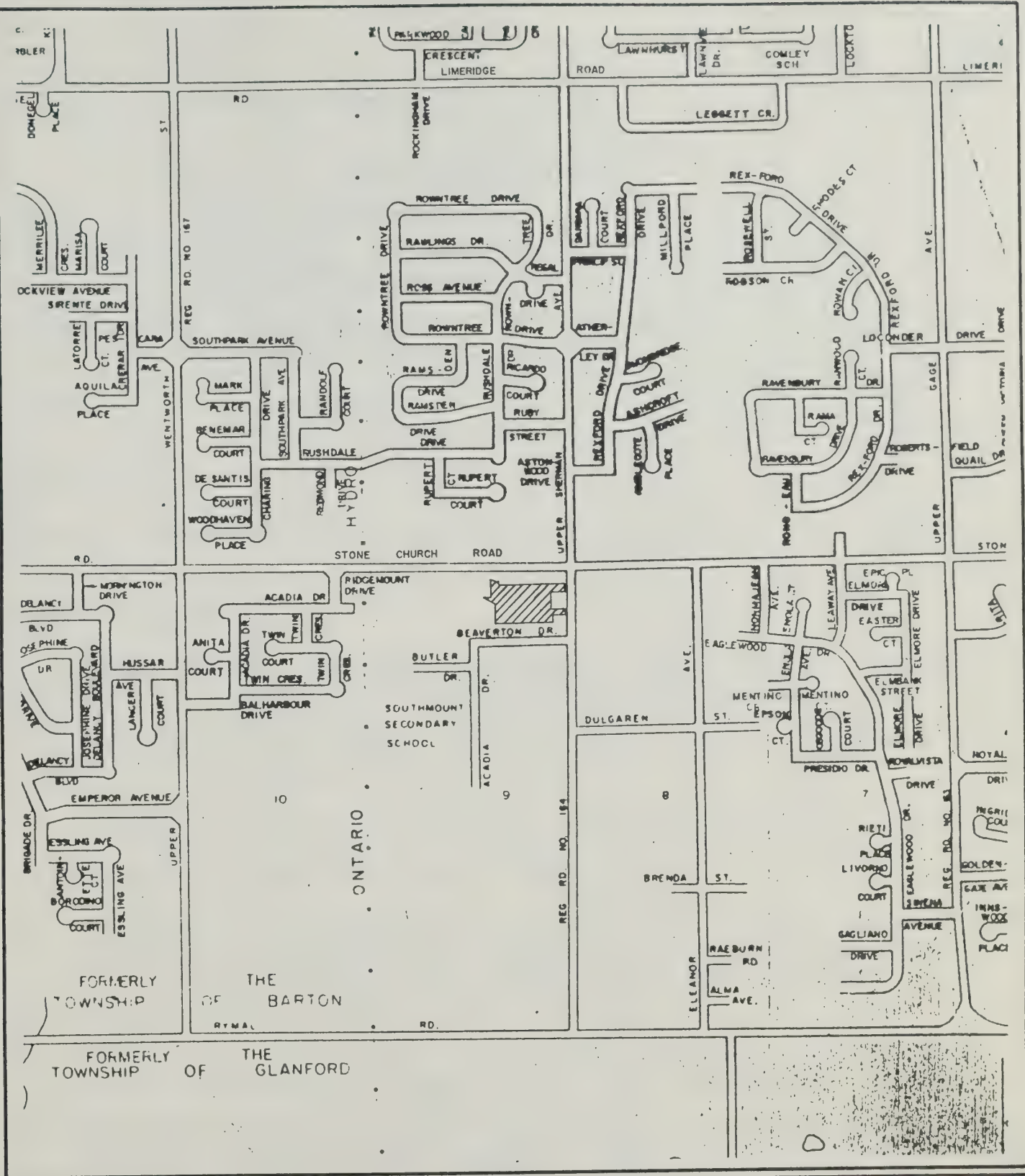


"C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot - Single Family Detached) District.



APPENDIX A





# LOCATION PLAN FOR

## ACADIA ESTATES

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

### Legend



PROPOSED SUBDIVISION

North



Scale

N. T. S.

Date

JUNE 27, 1990

Reference File No.

25T-90018

Drawing No.



# GEORGARHC

TOWNSHIP

07

ЗАКОН

24025 OF T. 821.144

ESTABLISHED BY 81-LAW NO. 10516 (1964) REDESIGNED AS INSTRUMENT NO. 284441 ALL

BEAVERTON DRIVE

[illegible]

**UPPER SHERMAN AVENUE** REGIONAL ROAD No. 164  
ORIGINAL ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 8 AND 9

DRAFT PLAN OF:

# Acadia Estates

PART OF LOT 1 - YOUNG SURVEY  
BEING A PROPOSED SUBDIVISION OF  
REGISTERED PLAN No. 996

PART OF LOT 9 -- CONCESSION 8

ALL NOW IN THE  
CITY OF LAWTON

CITY OF HAMILTON  
REGIONAL MUNICIPALITY OF HAMILTON—WENTWORTH

D G. FRASER O.L.S - 1990

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION A

TO FEI BY DIVORC BY 0.3048

IER ONE-R.S.O.-1983 SECTION 30 (2) THE PL

M. MUNICIPAL Piped Water Available

1. SHOWN ON PLAN

PLAN	L. NO.

DR'S CERTIFICATE:

THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED SHALL BE THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO ADJACENT LANDS SHALL BE SHOWN.

1990

ONTARIO LAND SURVEY

## ADJUDICATION:

WE HEREBY AUTHORIZE A.J. CLARKE AND ASSOCIATES TO SUBMIT THIS DRAFT PLAN TO THE REGIONAL MAP COMMISSION.

WORTH FOR THEIR APPROVAL

DOMINIC CARNICELLI - *maestro*

### SE SCHEDULE:

OF SUBDIVISION = 1.1250127700000000

TO BE DEVELOPED IN CONJUNCTION WITH ADJOINING

DISCUSSION DRAFT APPROVAL:

UNDER SECTION 50 OF THE PLANNING ACT, BY THE COUNCIL AND DEVELOPMENT OF THE REGIONAL MUNICIPALITY

SENTWORTH THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

COMMISSIONER OF PLANNING AND DEVELOPMENT  
REGIONAL MUNICIPALITY OF HAMILTON

UNAUTHORIZED BY DT-LAW NO. K89-17

1. J. Clarke and Associates

SUITE 125 - 155 JAMES STREET SOUTH - MOUNTAIN - DALLAS



1. J. Clarke and Associates Ltd.  
CONSULTING ENGINEERS AND ONTARIO LAND SURVEYORS  
SUITE 120 - 150 JAMES STREET SOUTH - MAMIOTON - ONTARIO L6B-3A6



7.

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** April 1, 1992  
ZA-91-57  
Hannon West Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development


**SUBJECT:**

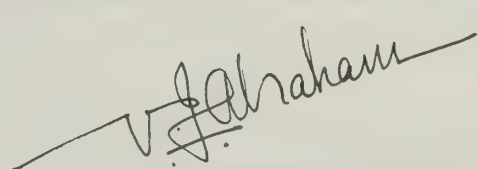
Request for a Modification in Zoning - No. 1050 Rymal Road East.

#### RECOMMENDATION:

That Zoning Application 91-57, Peter Georgakopoulos, owner, requesting a further modification to the established "M-12" (Prestige Industrial) District regulations, to permit a restaurant within the existing building, in addition to the existing catering and banquet facility, for the property located at No. 1050 Rymal Road East, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:

- i) it conflicts with the intent of the "M" District Review which would permit such use in the "M-11" District only. In this regard, the proposal is premature pending the completion of the study;
- ii) it represents an over intensification of land use in that one hundred sixteen (116) parking spaces are required, however only sixty (60) parking spaces can be provided on site. Approval of the application would result in parking "spillover" problems onto surrounding properties and Rymal Road;
- iii) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-law; and,
- iv) there appears to be an adequate supply of appropriately zoned lands in the Mountain Industrial Area where the proposed use could be located.

  
J.D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development Department

  
V.J. Abraham M.C.I.P.  
Director of Local Planning

#### FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A



**BACKGROUND:**

- Current Proposal

The applicant is seeking a modification to the established "M-12" (Prestige Industrial) District regulations, to permit a restaurant within the existing building in addition to the existing catering and banquet facility, for the property located at No. 1050 Rymal Road East.

- Zoning Application 89-88

A previous zoning application for the subject property was filed, requesting a modification to the "M-12" (Prestige Industrial) District regulations to permit a lube shop in conjunction with a proposed car wash.

City Council at its meeting on January 30, 1990 adopted the recommendation of the Planning and Development Committee to approve the application.

By-law 90-43 came into effect on March 22, 1990, permitting a lube shop in conjunction with a car wash.

- Site Plan Control Application DA-90-38

Plans were submitted and approved on August 13, 1990 by the Planning and Development Committee for a catering centre at 1050 Rymal Road East. The proposed occupancy for the development was to be a catering business.

During the review of the proposed development plans the Building Department advised that the building use is recognized as Caterer under S.I.C. Code 9214, and a banquet hall is permissible under this classification. However, a restaurant was not a permitted use.

The property was developed accordingly with a building having a G.F.A. of 1081.45 m<sup>2</sup> (11641.1 sq. ft.) with sixty (60) parking spaces and two (2) loading spaces at 3.7m x 9.0m x 4.3m.

- "M" District Study

The "M" District Study does not propose to add restaurants to the list of permissible uses within the established "M-12", "M-13", "M-14" and "M-15" (Prestige Industrial) Districts. It proposes to maintain restaurants within the "M-11" Districts only.

At its meeting of February 19, 1992, the Planning and Development Committee TABLED the "M" District review for a further public information meeting. For the information of the Committee, the meeting has been scheduled for May 6, 1992.

**LOT SIZE AND AREA:**

- 38.11 m (125.0 ft.) of lot frontage on Rymal Road;



- 91.44 m (300.0 ft.) of lot depth; and,
- 3484.84 m<sup>2</sup> (37,500 sq.ft.) of lot area.

### **LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Banquet Hall	"M-12" (Prestige Industrial) District
<u>Surrounding Lands</u>		
to the north	Townhouses	"R-4" (Small Lot Singles Family Detached) District, Modified
to the south	Industrial	"M-15" (Prestige Industrial) District
to the east	Mini Storage	"M-12" (Prestige Industrial) District
to the west	TransCanada Pipeline Facility and Industrial	"M-12" (Prestige Industrial) District

### **OFFICIAL PLAN:**

The subject lands are designated "INDUSTRIAL" on Schedule "A" and "Special Policy Area 11" on Schedule "B". The following policies apply, among others:

- "A.2.3.1 The primary uses permitted in the areas designated on Schedule "A" as INDUSTRIAL will be for Industry. In this regard, Industry is defined as manufacturing, processing, warehousing, repair and servicing. In addition to the primary permitted uses, the following uses may be permitted within INDUSTRIAL areas:
- ii) Business enterprises such as, but not limited to, banks, restaurants, garages, material suppliers, etc., which are intended to directly serve the Industries and their personnel;
- A.2.3.13 The LIGHT INDUSTRIAL category applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Subsection A.2.9.3, are shown on Schedule "B" as Special Policy Area 11. Generally, LIGHT INDUSTRIAL USES will be encouraged to concentrate in a designed community-like precinct such as the East Mountain Industrial Park.
- A.2.3.14 The primary uses permitted in this category may include, but not be limited to: warehousing; light manufacturing and assembly; laboratories and research facilities, communication facilities and printing and publishing plants.



- A.2.3.19 In the LIGHT INDUSTRIAL precinct known as the East Mountain Industrial Park, those ancillary uses permitted within INDUSTRIAL areas as set out in Policy 2.3.1 (ii) will be restricted to areas abutting major roads. The detailed location of these uses will be identified in the Neighbourhood Plan.
- A.2.3.25 Adequate vehicular access, off-street parking and loading facilities will be required in clearly-defined areas for all development and redevelopment within the INDUSTRIAL designation, subject to the appropriate policies of Subsection B.3."

Policy A.2.3.1 ii) permits business enterprises such as restaurants, which are intended to directly serve the Industries and their personnel. Further Policy A.2.3.19 restricts uses permitted under A.2.3.1 ii) to areas abutting major roads. As the subject lands are located on Rymal Road, the proposal would not conflict with the intent of the Light Industrial category of the *INDUSTRIAL* designation.

#### ***NEIGHBOURHOOD PLAN:***

The lands are designated "RESTRICTED INDUSTRIAL COMMERCIAL" in the Mountain-Industrial Area Plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "RESTRICTED COMMERCIAL".

#### ***RESULTS OF CIRCULARIZATION:***

- The following Departments and Agency have no comments or objections:
  - TransCanada Pipelines;
  - Economic Development Department; and,
  - Hamilton Region Conservation Authority.
- The Real Estate Division, Property Department has advised that they object to the granting of this application for modification in zoning on the basis that it is not compatible with the M-12 zoning.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these lands. Any works which may occur within the Rymal Road road allowance, as widened, must conform to the Region's Roads Use By-Law.

We have also discussed this application with the City Traffic Department and they advised that they cannot support the application since well over 100 parking spaces are required and the applicant has only provided for 60 spaces. Our concern is that the parking will overflow onto Rymal Road which is an arterial roadway and will likely result in an increase of collisions, traffic congestion, delay to traffic and reduced sight distances for motorists entering Rymal Road etc. We concur with the comments of the Traffic Department.

Any change in access or new access to Rymal Road, requires an Approach Approval from the City Traffic Department."



- The Traffic Department advised that they have reviewed the application and have the following comments:

"This site was previously the subject of DA-90-38 which was circulated for comment in mid 1990. At that time, we were informed that the intended use of the building was for a catering centre only. We expressed the concern that, if any portion of the building were to be used for a banquet there may be insufficient parking being provided. We understand that the development application was approved with a total provision of 60 parking spaces.

We have now come to understand that a banquet hall is, in fact, an allowed use within this current zoning. We further understand that according to our Building Department, the occupancy of the building could exceed the previous estimate of the applicant and that the potential parking shortfall on the site is more than we estimated in our previous letter.

While all of this information seems to confirm our original position of non-support for this proposal, it appears that it may be too late to do anything about it. We understand that the entire existing building can be used, subject to the Zoning By-law parking provisions, for a banquet hall. We also understand that it is unlikely that the City would be made aware of a violation in the required parking provision. It, therefore, appears to be somewhat irrelevant if the occupancy of the building is split between banquet and restaurant use or if it is used solely for banquets in that the parking shortfalls will be similar in either case.

As a result, while we do not support the existing uses which are allowed on this site, the proposal will not make the situation worse. Therefore, with respect to this specific application, we have no comment."

- The Building Department has reviewed the application and has forwarded the following comment:

"The use is not permitted in the M-12 zone, and the revised plans show a larger hall area with some of the facilities placed in the basement. The stage area and dance floor area are not deductible as usable G.F.A. The stage is removable and tables and chairs can be and will be placed on the dance floor area.

The Banquet Hall capacity is:

- |    |  |                        |
|----|--|------------------------|
| a) | non-fixed seats (film night, speaker etc.) | $540 \div 6 = 90$ cars |
| b) | non-fixed seats & tables (bingo etc.)      | $423 \div 6 = 71$ cars |
| c) | banquets (food, alcohol etc.)              | $335 \div 6 = 56$ cars |

The Restaurant capacity is  $151 \text{ persons} \div 6 = 26$  cars

Therefore, the maximum condition is  $90 + 26 = 116$  cars required for both the hall and restaurant.

Although the operator may not put the maximum number of persons in either the hall or the restaurant, they must provide the maximum number of cars which is required for the legal number of persons they could accommodate."



**COMMENTS:**

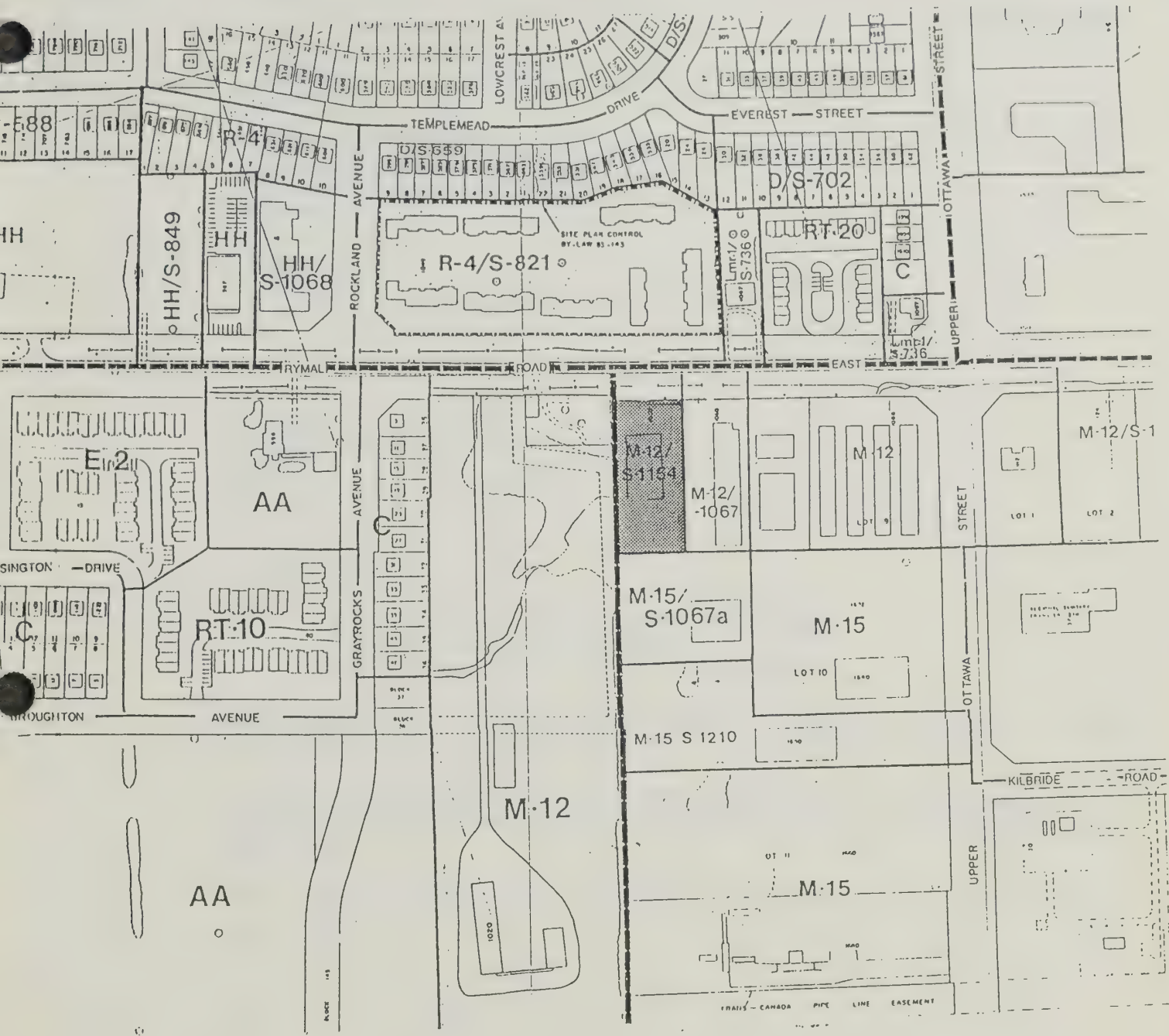
1. The proposal does not conflict with the intent of the Official Plan.
2. The proposal conflicts with the intent of the approved Mountain Industrial Area Plan. Approval of the application would require a redesignation from "RESTRICTED INDUSTRIAL-COMMERCIAL" to "RESTRICTED COMMERCIAL".
3. The proposal cannot be supported for the following reasons:
  - a) it conflicts with the intent of the "M" District Review, in that restaurants would only be permitted in the "M-11" District. In this regard, approval of the application would be premature pending the completion of the study;
  - b) it represents an over intensification of land use in that one hundred sixteen (116) parking spaces are required, however only sixty (60) parking spaces can be provided on site. In this regard, approval of the application would result in an overflow onto surrounding properties and Rymal Road;
  - c) approval of the application would encourage other similar applications which, if approved, would undermine the intent of the Zoning By-Law, in that the "M-12" District is primarily intended for wholesale establishments, given the need for higher exposure and direct access to the highway network; and,
  - d) there appears to be an adequate supply of appropriately zoned lands ("M-11" District to the northeast and "HH" District to the northwest of the subject property) in the Mountain Industrial Area where the proposed use could appropriately be located.

**CONCLUSION:**

Based on the foregoing, the proposal cannot be supported.

JL/ma  
WPDA9157

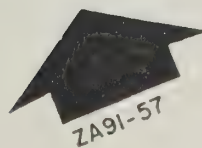




Legend



Site of the Application



APPENDIX A







"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, M. Main, Director of Traffic Services, Traffic Department, and Alderman D. Drury, Chairperson, Planning and Development Committee - 1992 March 30".

MAR 30 1992

7a



## TransCanada PipeLines

TRANSCANADA PIPELINES TOWER, 111 - FIFTH AVENUE S.W.  
P.O. BOX 1000, STATION M, CALGARY, ALBERTA T2P 4K5

(403) 267-6100

ZA-91-57

March 25, 1992

Secretary  
Planning and Development Committee  
City Hall  
Hamilton, Ontario L8N 3T4

Dear Sir/Madam:

**Re: Application By: Peter Georgakopoulos**  
**Location: 1050 Rymal Road**  
**Planning Department File: ZA-91-57**

On March 19, 1992 we received your notice informing us of the public meeting to discuss the above application.

This application pertains to land which is located over 200 metres away from the pipeline, therefore we have no objections or comments with regards to this application.

Thank you for keeping us informed of development near our pipeline facilities.

Yours truly,

Janice Lattin  
Technical Assistant  
Right-of-Way

cc: Fraser Mowat







8.

**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** March 26, 1991  
ZA-91-86  
Homeside Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification in Zoning - No. 1605  
Main Street East.

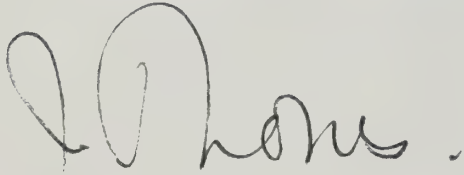
**RECOMMENDATION:**

That Zoning Application 91-86. J. Kozar, owner requesting a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to increase the capacity of the existing residential care facility from 24 to 30 residents, for property located at No. 1605 Main Street East, as shown on the attached map marked as APPENDIX "A", be DENIED, for the following reasons:

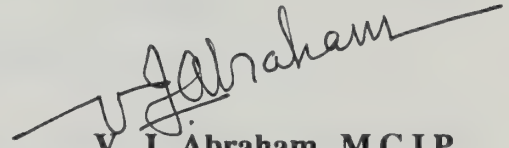
- i) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal for a further increase in the capacity by six residents (24 to 30) or 25%, represents a departure from this philosophy and exceeds the permitted capacity of the general "H" District provisions by 50% (30 vs 20);
- ii) The proposal to increase the capacity from 24 to 30 residents conflicts with City Council's policy (By-law 91-61), adopted April 9, 1991 to restrict the capacity of this residential care facility to a maximum of 24 residents, instead of 30 residents requested;



- iii) Approval of the application would encourage other similar applications which, if approved, would undermine the intent and philosophy of the by-law.



**J.D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning & Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The purpose of the proposed modification is to permit a further increase in the capacity of the established residential care facility from 24 to 30 residents. According to information provided by the applicant (see **APPENDIX "C"**) the increase in capacity from 24 to 30 residents will not require any internal or external structural changes to the building, as the recently constructed addition was designed to accommodate a maximum of 30 residents. Nine parking spaces will be provided at the rear of the building (see **APPENDIX "B"**).

The applicant wishes to increase the capacity to 30 because of numerous requests for additional space within this particular facility.

- Committee of Adjustment Application A:88-220

In September 1988, the applicant applied for and received approval to allow the establishment of a residential care facility for 15 residents within 146.3 m (480 ft.) of the facility located at No. 1646 Main Street East (see **APPENDIX "A"**).



- By-Law 91-61

City Council at its meeting held on April 9, 1991 passed By-Law 91-61 which modified the "H" (Community Shopping and Commercial, etc) District regulations, applicable to the subject lands. The effect of the By-law is to permit an increase in the capacity of the existing residential care facility from 15 to 24 residents. In addition, the By-Law provides for variances to permit a reduction in the width of the existing driveway from 5.5 m to 3.34 m, and to permit the existing driveway to abut a residential district. By-Law 91-61 came into effect on May 17, 1991.

#### LOT SIZE AND AREA:

- 17.3 m (56.83 ft.) of lot frontage on Main Street East;
- 46.32 m (152 ft.) of lot depth; and,
- 801.34 m<sup>2</sup> (8,625. 8 sq.ft.) of lot area.

#### LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	24 resident residential care facility	"H" (Community Shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
to the north	single-family dwellings	"C" (Urban Protected Residential, etc.) District
to the south, east and west	commercial	"H" (Community Shopping and Commercial, etc.) District



## OFFICIAL PLAN:

The subject lands are designated "COMMERCIAL" on Schedule "A". The following policies apply, among others:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- i) Residential uses subject to the following provisions:
    - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
    - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
    - d) satisfy the provisions of Subsections A.2.1 and C.7.
  - ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan.
- C.7.3 v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term care facilities through appropriate recognition in the Zoning By-law."

Based on the foregoing, the proposal does not conflict with the intent of the Official Plan.



## NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" on the approved Homeside Neighbourhood Plan. The proposal complies with the intent of the approved Plan.

## RESULTS OF CIRCULARIZATION:

- The following Department and Agency have no comments or objections:

- Licence Division - City Clerks Department; and,
- Hamilton Region Conservation Authority.

- The Traffic Department has advised that:

"We previously reviewed and commented on this site under ZA-90-91. The proposed parking layout was a poor design in that the three parking spaces against the east property line would have a difficult time turning around and it would be impossible to back around the corner of the building and out onto King Street. We, therefore, recommended that these three spaces be eliminated and replaced with two spaces abutting the six spaces along the north property line. This change would have left the applicant two parking spaces short for the proposed thirty residents but we were prepared to support that variance. We also recommended that the mentioned additional access over the liquor store property be registered on title rather than only a verbal agreement.

As you know, Council approved an increase in capacity to 24 residents with no parking lot layout modifications. Our assessment of the physical layout remains unchanged and, therefore, our recommendations remain unchanged."

- The Building Department has advised that:

- "1. A residential care facility for thirty (30) residents is not permitted.
2. A residential care facility for thirty (30) residents requires ten (10) parking spaces.



3. The access driveway requires 5.5 m width.
4. The access driveway shall be at least 3.0 m from the residential district.
5. A visual barrier is required to be provided along the lot lines adjacent to the residential districts."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermain and separate storm and sanitary sewers available to service the subject lands.

In the absence of any details shown, we advise that any works which may occur within the Main Street East road allowance must conform to the Region's Road Use By-law."

- The Hamilton-Wentworth Social Services Department reiterate their comments of January 4, 1991 made in conjunction with the previous rezoning application which are as follows:

"This second-level lodging home for older persons has had a subsidy contract with our Department since it opened in 1990 and we have been very satisfied with the operation.

Josip and Donna Kozar are aware that their expansion to 30 beds may jeopardize their Regional contract because of our 24-bed use limit; nevertheless, they feel that the success of their home, to date, and their waiting list indicates a need to expand the business.

The current subsidy system reflects over 200 vacant beds, so more beds don't appear to be necessary.

The applicants' comments about parking are accurate; our experience with second-level lodging homes indicates that few residents have cars, and that visitors are not numerous."



**COMMENTS:**

- 1) The proposal complies with the intent of the Official Plan.
- 2) The proposal complies with the intent of the approved Homeside Neighbourhood Plan.
- 3) The current proposal is to permit a further increase in the capacity of the established residential care facility from 24 to 30 residents.

As noted in the background section of this report, a minor variance application was approved in September of 1988, to permit the establishment of a residential care facility having a capacity of 15 residents, located within 146.3 m (480 ft.) of another such facility.

- 4) The current proposal cannot be supported for the following reasons:
  - a) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal for a further increase in the capacity by 6 residents (24 to 30) or 25% represents a departure from this philosophy and exceeds the permitted capacity of the general "H" District by 50% (30 vs 20);
  - b) The proposal to increase the capacity from 24 to 30 residents conflicts with City Council's policy (By-law 91-61), adopted April 9, 1991 to restrict the capacity of this residential care facility to a maximum of 24 residents, instead of 30 residents requested;
  - c) approval of the application would encourage other similar applications, which, if approved, would undermine the intent and philosophy of the By-law.



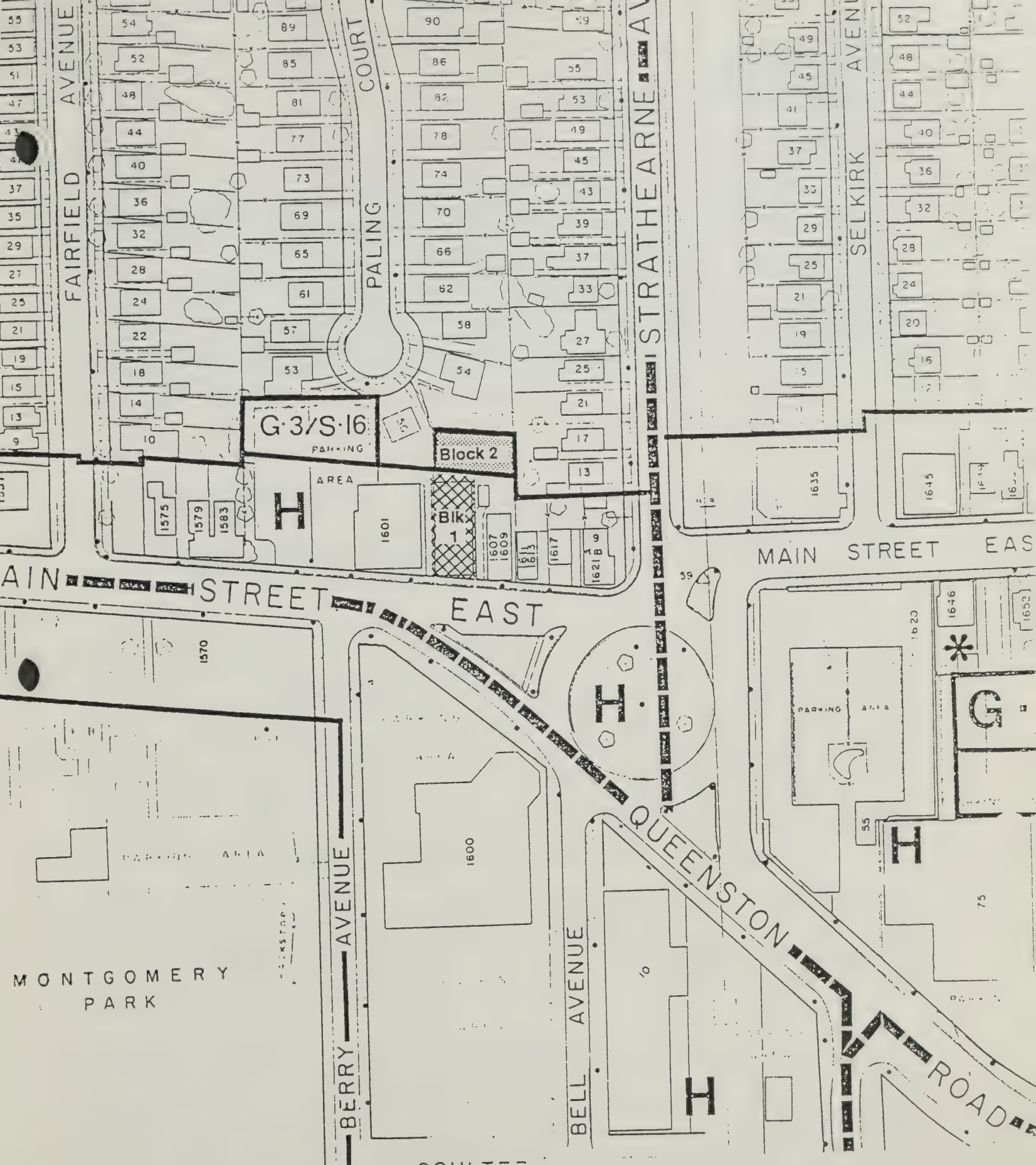
With respect to the applicants submission (see **APPENDIX "C"**), it should be noted that they proceeded with the second floor addition after Committee's and Council's decision to only approve an increase in capacity to 24 residents not 30 as requested.

***CONCLUSION:***

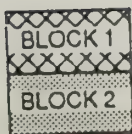
On the basis of the foregoing, the application cannot be supported.

GAW/ma  
WPZA9186





Legend



Site of the Application



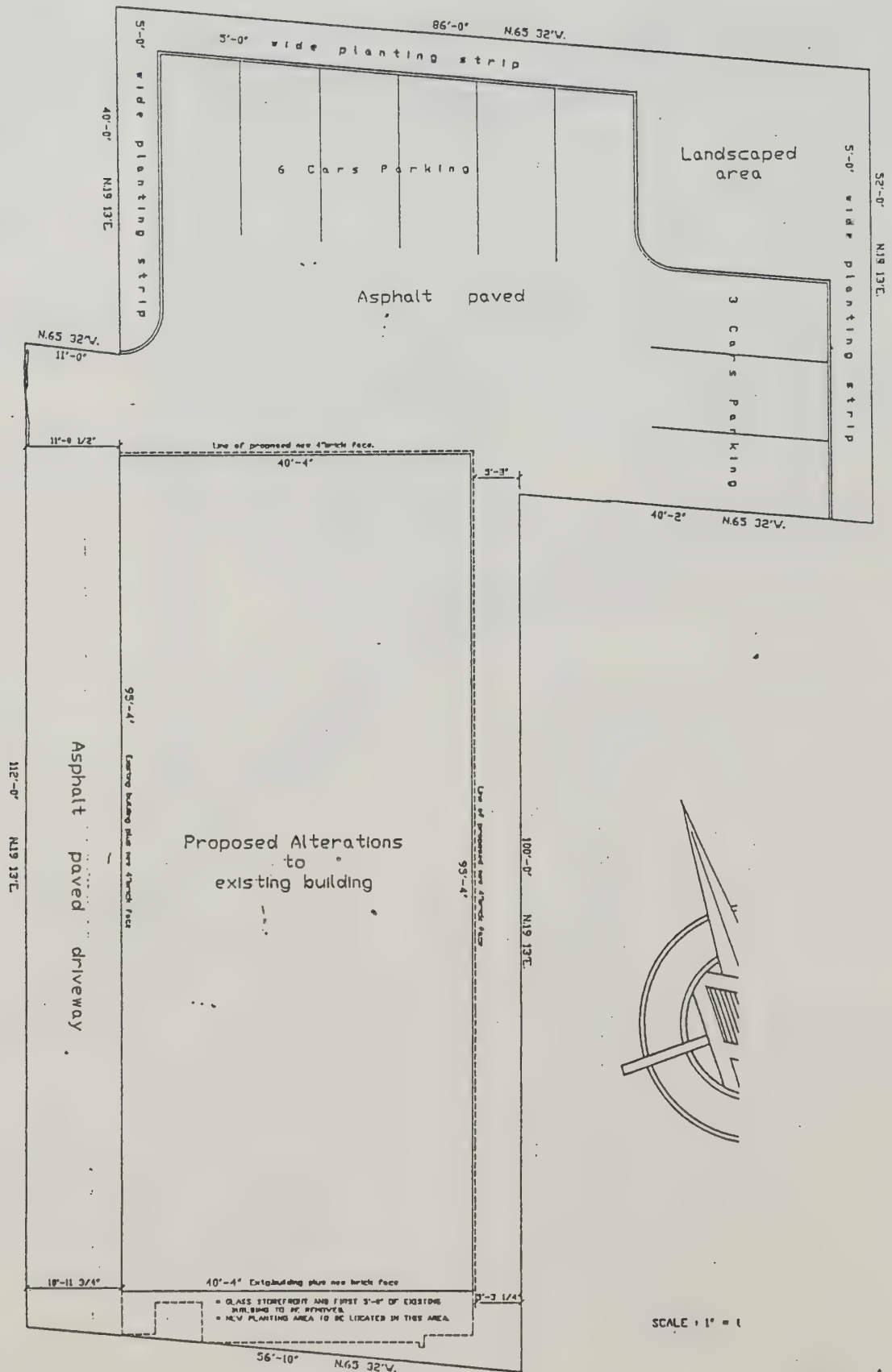
Site of other Residential Care Facility



APPENDIX A



IN THE  
TOWNSHIP OF BARTON  
NOW IN THE  
CITY OF HAMILTON



Main Street

APPENDIX B



[illegible]



the population is over 65 and 25% is between the ages of 45-64. When you combine the lack of short and long-term care facilities in Ward 4 with the high percentage of seniors living in the Ward, the Ward Councillors are going against City Policy C.7.3 (v) which states that council will "SUPPORT THE CONCEPT OF AN ACCESSIBLE RESIDENTIAL COMMUNITY **THROUGHOUT** HAMILTON AND WILL ENCOURAGE THE DEVELOPMENT OF A WIDE RANGE OF RESIDENTIAL CARE AND SHORT-TERM FACILITIES THROUGH APPROPRIATE RECOGNITION IN THE ZONING BY-LAW." and policy A.2.9.3.1 (ii), which states in part that: ... "HOUSING SUITABLE FOR FAMILIES, THE PHYSICALLY DISABLED, AND SENIOR CITIZENS WILL BE PARTICULARLY ENCOURAGED."

The increased number we are seeking for will provide much needed accommodations for elderly who have lived their whole life in the east end and who want to stay in their own surroundings rather than being uprooted. The time has long passed in which Ward 4 participate in providing accommodations for the residents in it's own area, rather than shifting the responsibility to **primarily** Central Hamilton.

We also feel that a family environment is **not primarily** dependent on the size of the family, and in talking with the various regional and municipal employees **involved** with lodging homes they share the same feeling. There are homes in this city that have 6 or 12 beds that resemble institutions more so than homes with 80 beds and vice versa. A family situation is more dependent on the quality of life and care received, and a homy environment is created by such factors as design, decor, colouring and cleanliness. The design of Montgomery Lodge has been changed both internally and externally to reflect a homy environment. In fact the perimeter of the existing building has been reduced in order to enhance the appearance of the building by planting flowers and grass at the front. We have used inside nothing but quality material from quality carpeting, ceramic tiles, marble sinks, oak bathroom vanities, wood trimmed baseboards and window cells, to solid brass door handles and expensive hand painted blinds. In fact our residents have made comments to the effect that it is better than home. One has even referred to it as a "Mini Sheraton".

Furthermore, the increased number above what the By-Law permits is not something that has not been granted to other lodging homes by the Planning and Development Committee. The Planning Department has supported and the Planning and Development Committee has approved numerous facilities with requests for **significantly higher increases** in numbers that the By-Law permits and which we are seeking. Properties such as:

- 19 Aikman Ave. Originally approved in 1988 for 45 residents, and again in January 1991 for an additional 12 beds for a total of 57 beds, yet providing only 16 parking spaces instead of 19 required.



In reading the comments in support of the 45 beds by the Planning Dept., I fail to see any difference between our facility, and wonder why the same comments were not made in support of our application.

10 Herkimer

Approved late in 1990 for an increase in beds from 34 to 58 residents (nearly 10 times that permitted by the By-Law, with 10 parking spaces instead of the 20 required. The building also required 26 units to be added by constructing a new **3 story wing**. Note: Planning Dept. did not support but Planning and Development Committee approved it.

52 Catharine St. N. - I have some difficulty understanding as to how they obtained such a large number above what the By-Law permits by merely going through the **Committee of Adjustment** in August of 1990 to allow an increase from 170 to 212 beds (a 42 bed increase considered a **minor variance**, yet I am applying for 6 beds and it is a major variance). What is even more confusing is the fact that the 2nd Level Lodging Home Listing as of October 16, 1990 indicates that the home has only 70 licensed beds, **not 170** as on the application for Committee of Adjustment. If this was an error than the increased number approved by the Committee of Adjustment was 142 beds more than what the facility had.

236 & 242 Catharine St. N. - was approved in 1985 for 45 residents providing 9 parking spaces instead of the 15 required.

1430 Upper Wellington - which opened in June of 1991 was approved by the Planning and Dev. Comm. for 83 retirement beds and 120 nursing beds.

By the way, all of the above mentioned properties were in violation of the 180 m radial separation except for 1430 Upper Wellington.

In regards to the comments made by the Traffic Department, the site plan meets all parking By-Law requirements as to parking space width and manoeuvring room, and the site plan was approved by the Building Department on November 11, 1988 as is. The parking area currently provides 9 parking spaces, which leaves one parking space short as required by the By-Law. No backing out onto Main Street would be required by vehicles parked along the eastern side of the lot since there is enough manoeuvring room to make a 3 point turn



(assuming parking lot was completely full) before leaving parking area. This manoeuvre was performed using a 1979 Chrysler LeBaron.

Also, because of the **nature** of our use - that of a Retirement Home, the parking requirements are much too stringent because:

1. No resident drives and some have never driven in their lives.
2. It is not a convenience store, a doctor's office, or a place of business, where cars are pulling in and out frequently. Some families visit once a week, and the **majority** are less frequent than that. Most don't even have visitors, and only see their families during holidays such as Christmas.
3. Montgomery Lodge is on a major bus route - bus stops almost in front of door - and some visitors come by bus.

The **nature** of the business, plus the fact that there is adequate parking already provided on the property has never presented a problem in the past.

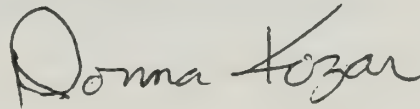
In respect to the comments made by the Social Services Department, and the 200 bed vacancy rate, obviously there is something wrong with those homes if there is such a vacancy rate. Are we going to prevent good homes from opening and expanding because of poor operators and poor conditions in most lodging homes? This is same as saying, we are going to stop issuing business licences because we have too many bankruptcies. Increased competition with nice facilities such as Montgomery Lodge will force the older homes to upgrade in order to stay in business, instead of complaining about empty beds. The majority of good homes have waiting lists, so this is an indication there is **not** a shortage of people or lack of demand, the problem is that there are a lot of bad homes, or homes not designed for the clientele they want to attract.

I have heard so much from the Planning Department about the "INTENT OF THE BY-LAW", yet continually the Intent of the By-Law - for lodging homes to be small family type environments - is not being adhered to. What happened to the Intent of the By-Law with 19 Aikman Ave., 52 Catharine St. N., 398 Rymal Rd., 832 Concession, etc. I guess this is what really upsets me, I continually hear complaints about poor conditions in Lodging Homes, and then when a decent home opens, it is impossible to be recognized for all of it's accomplishments in providing excellent care. The reason I feel strongly about this issue is because it is my livelihood, I depend on Montgomery Lodge to put food on my table not just money in my pocket. I am not a Toronto Developer such as 1430 Upper Wellington, building and reselling for speculative reasons. I take pride in our facility and anyone who visits can see this is self-evident. I hope this committee places more importance on providing our seniors with quality care and accommodations, rather than on the probability of an event such as two cars unable to pass one



another in a driveway occurring. A law is just to a point, and it becomes unjust when the advantages outweigh the disadvantages, when it places unnecessary burden or hardship on the people it is supposed to protect. I have also never seen a more gross violation of an "INTENT OF THE BY-LAW", and one approved by the Planning and Development Committee than those cited in the properties above. It makes me ask myself "Where is the fairness in our system?" I would like to state it for the record that we have no future intentions of expanding the facility at 1605 Main Street East above the 30 we are requesting.

Sincerely

A handwritten signature in cursive script that reads "Donna Kozar". The signature is written in dark ink and is positioned below the word "Sincerely".

Donna Kozar

\dk







9a)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 31  
(P5-4-2-17)

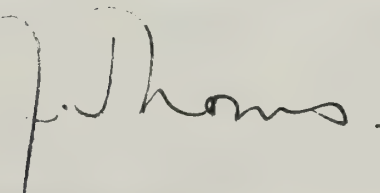
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

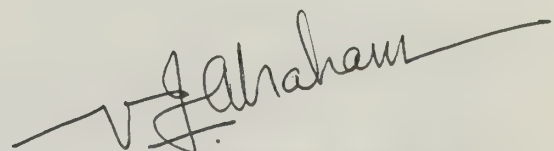
**SUBJECT:** Recommendations of the 1992 City of Hamilton Municipal Housing Statement Update

**RECOMMENDATIONS:**

- A) That the recommendations contained in the document Executive Summary - 1992 City of Hamilton Municipal Housing Statement Update, attached hereto and marked as Appendix A, be approved;
- B) That the Clerk be directed to forward the 1992 City of Hamilton Municipal Housing Statement Update to the Regional Municipality of Hamilton-Wentworth for endorsement; and,
- C) That the Minister of Municipal Affairs and the Minister of Housing be advised of City Council's adoption of the recommendations in the 1992 City of Hamilton Municipal Housing Statement Update and be requested to approve the document and forward outstanding grant monies.



**J.D. Thoms, M.C.I.P.**  
Commissioner,  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

A Municipal Housing Statement (MHS) establishes the direction of a municipality in regard to the provision of housing in a community. As part of the 1992 City of Hamilton Municipal Housing Statement Update, an assessment of housing market conditions and recent trends is provided as well as a projection of future housing demand within Hamilton. Essentially, a Municipal Housing Statement represents the housing goals and objectives of a municipality and outlines a strategy by which these goals and objectives are to be achieved.

The completion of the City's 1992 MHS Update was funded in part from the Ontario Ministry of Housing and fulfils their content requirements for studies of this type. A companion document to the Executive Summary entitled Technical Background Volume contains a detailed discussion of housing market trends in Hamilton and is available from the Planning and Development Department.

Since completion of the City's last Municipal Housing Statement in 1983, the housing market in the City of Hamilton and throughout Ontario in the latter half of the 1980's experienced a great deal of activity: house prices increased, rental apartment vacancy rates declined, new dwelling starts recorded very high levels and the number of individuals on waiting lists for assisted housing units increased. Recent housing market conditions, however, show a reversal of these trends.

In response to the earlier housing market trends, the Provincial Government issued the Land Use Planning for Housing Policy Statement in July, 1989. Under the Planning Act, municipalities "shall have regard to" Provincial policy statements "in exercising any authority that affects any planning matter." The intent of the Policy Statement was to direct municipalities to address the land use planning concerns associated with the provision of all forms of housing.

The completion and Council adoption of the 1992 City of Hamilton Municipal Housing Statement Update is the second step of a three-step process of responding to the requirements of the Provincial Policy Statement Land Use Planning for Housing. The Housing Intensification Strategy, adopted by Council in June, 1991, was the City's first step in responding to the requirements of the Provincial Policy Statement. The remaining work in regard to implementing the requirements of the Provincial Policy Statement pertain to streamlining the planning approvals process (a report has been submitted to Planning and Development Committee on this matter concurrently to the City's 1992 MHS Update).



On February 27, 1992, a public information meeting was held to allow residents and interested organizations an opportunity to discuss with staff of the Planning and Development Department the draft recommendations of the City's 1992 MHS Update. Over a dozen individuals attended this meeting including representatives from several neighbourhood associations, the Social Planning and Research Council (SPRC), the Hamilton and District Real Estate Board and McQuesten Legal & Community Services.

In addition to the public information meeting, two additional meetings were held with interested housing advocacy groups. These groups were comprised of local social housing providers, community housing advocates, representatives from the SPRC and representatives from the Housing Help Centre of Hamilton-Wentworth to further discuss the content of the City's 1992 MHS Update.

These meetings were very productive and as a result of this input a number of the draft recommendations were re-worded to accurately reflect the concerns and sentiment of the organizations involved. As well, several new recommendations were added that were consistent with the overall theme of the Housing Strategy.

One formal submission was received from the Housing Help Centre which offered a number of insightful comments and concerns on the draft document. A key concern expressed by the Housing Help Centre was in regard to the production targets for non-market housing in Recommendations One and Two, i.e., assisted housing, and their concerns have been addressed in the revised version of the document.

#### ***RECOMMENDATIONS FROM THE 1992 MHS UPDATE:***

A total of 22 recommendations are contained in the Executive Summary (attached as Appendix A) of the 1992 City of Hamilton Municipal Housing Statement Update. The recommendations are summarized below:

##### **Recommendations for the Federal Government:**

That the Federal Government re-instate funding to the Co-operative Housing Program that was withdrawn in the recent Federal Budget. (Rec. #4)

##### **Recommendations for the Provincial Government:**

The Ontario Ministry of Housing utilize the non-market housing targets outlined in the 1992 City of Hamilton Municipal Housing Statement Update as a quantitative base for future allocations of non-profit housing units in the City of Hamilton. (Rec. #5)



The Provincial Government recognize and endorse the program activities of non-profit community-based organizations in Hamilton that facilitate independent living in private market housing units by maintaining a permanent budget commitment for the operation of these programs. These local organizations include the Housing Help Centre, the Victorian Order of Nurses (VON) Homesharing Program and the Y.W.C.A. Access to Permanent Housing - Adolescent and Community Care. (Rec. #6)

The Provincial Government be requested to transfer all of their present surplus lands in Hamilton to the City to facilitate the construction of new social housing projects or as collateral to secure other parcels of land within Hamilton for social housing developments. (Rec. #16)

The Provincial Government be requested to form a working committee comprised of appropriate Ministry of Housing staff and representatives from major urban centres in Ontario to review the structural integrity of high-rise apartment buildings and other maintenance concerns, prepare an option paper on various avenues of preserving this stock of housing, and fund a program that would enable municipalities and landlords to preserve the high-rise stock. (Rec. #17)

The Provincial Government in consultation with the City of Hamilton undertake a review of existing renovation and rehabilitation programs (e.g., Convert-to-Rent, Ontario Home Renewal Program, Low-Rise Rehabilitation) to ascertain current administrative constraints and identify priority neighbourhoods that will maximize the effective delivery of these programs to Hamilton residents.

Further, the Province make a budgetary commitment to these programs recognizing the past success and the effectiveness of these programs in the City of Hamilton. (Rec. #18)

The Provincial Government be requested to increase the minimum threshold dollar value for renovation/rehabilitation work on residential dwellings that prompts a review of the assessed value of a dwelling from \$5,000 to \$10,000. (Rec. #20)

The Association of Municipalities of Ontario (AMO) and the Ontario Ministry of Housing be requested to undertake a comprehensive review of options that would achieve greater private-sector participation in the construction of new rental housing and in the renovation/rehabilitation of the existing rental stock in Ontario. (Rec. #22)

## **Recommendations for the City of Hamilton:**

### **Housing Targets -**

The following annual average new housing production targets be adopted for the time period 1991-1996 for the City of Hamilton:



	<u>Market Housing</u>	<u>Non-Market Housing</u>	<u>Total</u>
Single-Detached	570	0	570
Semi-Detached	45	0	45
Row/Townhouse	51	184	235
Apartment	88	283	371
Total	754	467	1,221

Further, these production targets be evaluated on annual basis. (Rec. #1)

The following annual average new housing production targets for market housing (i.e., private sector initiatives) and non-market (i.e., assisted housing) be adopted for the time period 1996-2001 and 2001-2006 for the City of Hamilton:

	<u>1996-2001</u>		<u>2001-2006</u>
	<u>Market</u>	<u>Non-Market</u>	<u>Market</u>
Single-Detached	465	0	350
Semi-Detached	25	0	5
Row/Townhouse	10	184	0
Apartment	60	283	175
Total	560	467	530

Further, these production targets be evaluated as additional data sources become available (i.e., the 1991 Census of Canada, Assisted Housing Survey's, etc.). (Rec. #2)

The City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation, in co-operation with other local social housing producers, housing advocacy organizations and tenant associations, undertake a lobbying campaign to inform the Federal and Provincial Governments of the significant and diverse unmet need for new assisted housing units in Hamilton. (Rec. #3)

#### Provincial Policy Statement Land Use Planning for Housing -

Delete clause C.7.3 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;



- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
- iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/ function of the neighbourhood, subject to the provisions of Subsection A.2.2;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;
- viii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;
- xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area; and,
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient. (Rec. #7)



Delete clause C.7.5 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:

C.7.5 Council will on an annual basis monitor and review housing market trends, the types and prices of new housing production, the supply of designated residential land by planning status, levels of housing affordability and the range of anticipated asking prices and/or rents of individual residential development applications with a view to revising priorities and/or identifying policy and program changes in order to better achieve housing production targets. (Rec. #8)

Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan as clause C.7.6:

C.7.6 Council will encourage at least 25 percent of new RESIDENTIAL development in the City to be "affordable", consistent with Provincial Government definitions of housing affordability. This is to be achieved on a municipality-wide basis and reflected in the Neighbourhood Planning process. Accordingly, the range and type of new RESIDENTIAL development will be evaluated annually to determine consistency with Provincial Government criteria for "affordable" housing. (Rec. #9)

Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Official Plan as clause C.7.7 and renumber existing clauses C.7.6 through C.7.19 accordingly:

C.7.7 Council recognizes the importance of ensuring a sufficient supply of land for a range of residential uses. Accordingly, Council will ensure a minimum ten-year supply of residential land is maintained at all times as well as a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision. (Rec. #10)

To facilitate enhanced monitoring of new housing production and compliance with the provisions of the Policy Statement Land Use Planning for Housing, applicants/ proponents seeking approval for a plan of subdivision, a re-zoning application (including an Official Plan Amendment), or a site plan application will be requested to complete a "Housing Information Sheet". This Housing Information Sheet will detail the type of residential dwelling units to be constructed, the likely tenure of the development and the anticipated selling prices and/or market rents of the proposed dwelling units. (Rec. #11)

With a view to achieving increased liaison with homebuilders, social housing providers, real estate representatives, other government officials and housing advocacy organizations, the City of Hamilton and the Region of Hamilton-Wentworth co-ordinate an annual "Greater Hamilton Housing Market Workshop". The objective of this workshop will be to assess current housing market trends and conditions and discuss previous years housing targets in light of actual production levels. (Rec. #12)



### Local Housing Initiatives -

Based on the experience of other financial institutions in Canada, the City of Hamilton liaise and encourage local financial institutions to investigate the feasibility of introducing some type of reverse mortgage financial instrument for Hamilton senior citizen homeowners. (Rec. #13)

A working group be established comprised of representatives from housing advocacy organizations, the Municipal Non-Profit (Hamilton) Housing Corporation, staff from appropriate municipal departments and the Regional Food and Shelter Advisory Committee to prepare a report to City Council on the nature of the problem of homelessness in Hamilton. The report should quantify the extent of the homeless population in Hamilton and outline possible strategies, responses and actions required by the Municipal, Provincial and Federal Governments. (Rec. #14)

The Municipal Non-Profit (Hamilton) Housing Corporation develop an Implementation Plan that would address the housing needs in Hamilton outlined in the 1992 City of Hamilton Municipal Housing Statement Update and act as a resource to other housing organizations who desire to meet housing needs evident in the City of Hamilton. (Rec. #15)

### Rehabilitation of the Existing Dwelling Stock -

The Building Commissioner and the Director of Local Planning report to City Council on the feasibility of establishing a "Planning Advisory Service" for small-scale renovations, linking together both Building Code and land use planning regulations. This service will assist individuals wishing to undertake renovation and rehabilitation work. In addition, possible external funding sources, such as the Ontario Ministry of Housing or Canada Mortgage and Housing Corporation, be explored for establishing this service. (Rec. #19)

### Additional Research -

Staff of the Local Planning Branch monitor the work of the Sewell Commission and report to City Council on the progress of the Commission at appropriate junctures. Further, Local Planning Branch staff actively participate in the proposed technical committee of the Regional Chairman's Task Force on Affordable Housing reviewing area municipality zoning by-laws. (Rec. #21)

### **SUMMARY:**

The recommendations of the 1992 City of Hamilton Municipal Housing Statement Update seek to ensure local housing issues receive the necessary attention from the Provincial and Federal Governments and other housing market participants. As with any housing strategy, co-operation, co-ordination and partnerships are the three key elements that effectively mobilize a municipality's involvement in the housing field.



The City of Hamilton cannot do it alone; other municipalities, Hamilton residents, community agencies, the private homebuilding and development industry and, most importantly, senior levels of government need to participate with the City in a concerted and cohesive way to address housing problems within Hamilton.

Accordingly, the successful proactive role the City of Hamilton has assumed in regard to local housing initiatives (e.g., the creation of Hamilton Housing Company in the 1950's and the establishment of the Municipal Non-Profit (Hamilton) Housing Corporation in 1985) should continue as real gains have been made in the community to ensure all Hamilton residents are adequately housed.

Within the next monitoring report of housing market conditions in the City of Hamilton, a number of the special local policy initiatives outlined in the City's MHS document will be addressed. Recommendations for the Provincial and Federal Governments will be forwarded immediately upon endorsement of the document by the Region of Hamilton-Wentworth.

KE/



**APPENDIX A**

**EXECUTIVE SUMMARY**

**1992 CITY OF HAMILTON  
MUNICIPAL HOUSING STATEMENT UPDATE**



# 1992 City of Hamilton Municipal Housing Statement Update

## Executive Summary

Prepared By:

Local Planning Branch  
Planning and Development Department  
Region of Hamilton-Wentworth

February, 1992





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## 1.0 CITY OF HAMILTON - MUNICIPAL HOUSING STRATEGY

### 1.1 Background

A Municipal Housing Statement (MHS) establishes the direction of a municipality in regard to the provision of housing in a community. As part of the 1992 City of Hamilton Municipal Housing Statement Update, an assessment of housing market conditions and recent trends is provided as well as a projection of future housing demand within Hamilton. Essentially, a Municipal Housing Statement represents the housing goals and objectives of a municipality and outlines a strategy by which these goals and objectives are to be achieved.

A companion document to the Executive Summary entitled Technical Background Volume, contains a detailed discussion of housing market trends, a discussion of the Provincial Policy Statement Land Use Planning for Housing and its applicability in Hamilton, and a projection of future housing demand in Hamilton.

### 1.2 Introduction

The provision of housing fulfils both significant social and economic objectives in Ontario and Hamilton; it is therefore not surprising that debate on any housing issue contains a variety of philosophical positions and usually becomes unnecessarily complex. By all accounts, the vast majority of Canadian households are more than adequately housed and do not have a housing affordability problem. Recognizing the fiscal constraints affecting all levels of government, housing programs and actions must be directed at those individuals most in need of housing assistance.

Since the completion of the last Municipal Housing Statement in 1983, the housing market in the City of Hamilton has experienced a great deal of activity. The latter half of the 1980's was a period of significant housing demand in Hamilton and throughout southern Ontario. The number of new housing starts increased, rental apartment vacancy rates declined to levels close to zero percent, house prices recorded large increases, housing became "unaffordable" for a greater number of households and the number of people on waiting lists for social housing expanded.

In response to the housing market trends evident in this period, the Provincial Government issued the Land Use Planning for Housing Policy Statement in July, 1989. Under the Planning Act, municipalities "shall have regard to" Provincial policy statements "in exercising any authority that affects any planning matter." The intent of the Policy Statement was to direct municipalities to address the land use planning concerns associated with the provision of all forms of housing. Specifically, the Land Use Planning for Housing Policy Statement required municipalities to:

- ° Provide for a continuous 10-year supply of serviced residential land including a continuous 3-year supply of draft approved and/or registered lots;
- ° Examine opportunities for streamlining the planning approvals process;



- ° Provide for a range of housing types including at least 25 percent of new residential development for "affordable" housing (defined in 1991 as ownership housing not exceeding \$147,000 in price and rental housing not exceeding \$810 per month in rent);
- ° Identify areas within the community appropriate for residential intensification initiatives;
- ° Undertake on-going monitoring of housing market trends and determining the constraints in regard to the provision of "affordable" housing.

Although the requirements of the Provincial Policy Statement appear quite demanding, the City of Hamilton is in a unique position of having already met or exceeded most of the Provincial requirements through its own initiatives and undertakings. These initiatives include:

- ° Maintaining a more than adequate supply of residential land that supports a broad mixture of dwelling types (in excess of a 14 year supply);
- ° Streamlining the planning approval process in the City and the Region by shortening some of the timing components as stipulated in the Planning Act (Hamilton Official Plan Amendment No. 15, approved by the Minister in October, 1984);
- ° Supporting the approval of a variety of "affordable" housing developments (there are several dwelling forms being marketed presently in Hamilton that fall within the 1991 affordable housing guideline of \$147,000 in addition to a sizeable number of assisted housing developments for the rental sector);
- ° Maintaining flexible land use planning and zoning by-law regulations that respond to changing housing demands in the new home marketplace (there has been increased usage of the "R-4" - Small Lot Single/Semi-Detached zoning district in the past 18 months as well as an increased number of plans of subdivision and zoning applications proposing townhouse units and apartments); and,
- ° Preparing a comprehensive strategy dealing with the issue of residential intensification that has been adopted by City Council in June, 1991. The strategy included increased promotion of various forms of residential intensification including conversions through as-of-right provisions.

As a result of the Policy Statement, the City examined local housing issues in greater detail. As well, the Policy Statement served to raise the level of community awareness of local housing concerns. This is certainly beneficial as local responses to community housing concerns are the most effective way of resolving these issues. The Regional Chairman's Task Force on Affordable Housing is an example of the community interest in local housing issues and the City of Hamilton has participated actively in the development of the Task Force recommendations and strategy.



### 1.3 Housing Market Trends

During 1991, housing market conditions in Hamilton changed significantly compared to the trends of the late 1980's. As shown in Figure 1 below, housing affordability for the ownership sector has improved as a result of lower house prices and falling mortgage interest rates. Further, rental apartment vacancy rates have increased to more competitive levels while average monthly rent charges for vacant rental units have decreased; this allows prospective renters a greater degree of choice and selection in the marketplace (Table 1 and Figure 2).

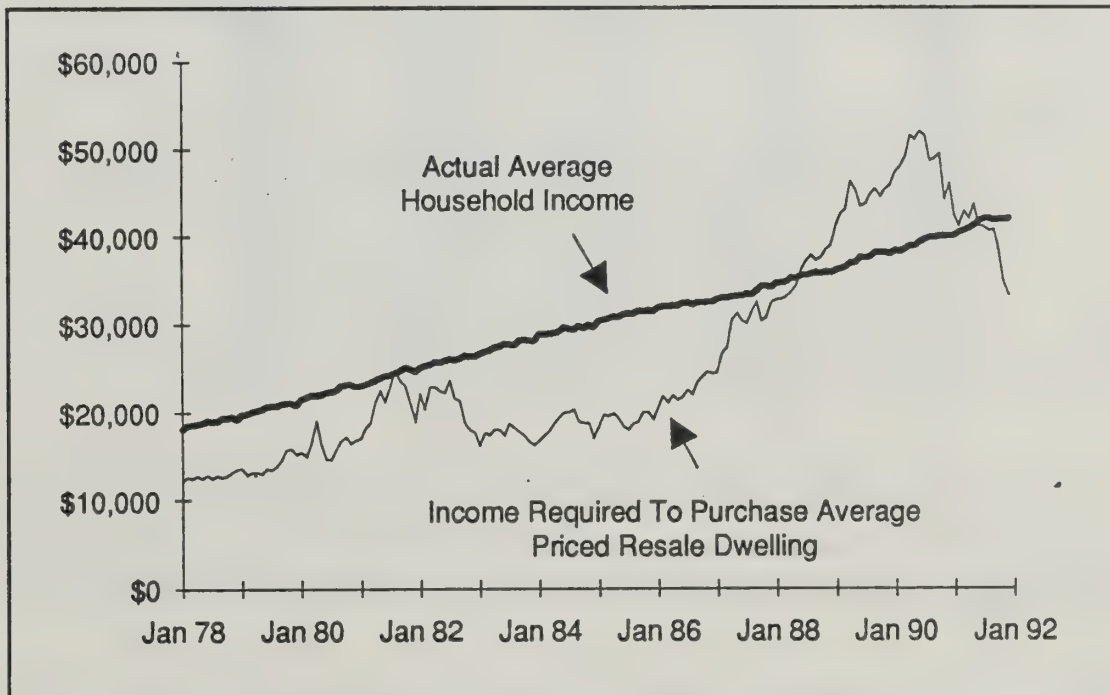


Figure 1 Home Ownership Affordability, City of Hamilton, 1978-91

Table 1

AVERAGE MONTHLY RENT CHARGE FOR  
VACANT RENTAL UNITS

Bedroom Type	April 1990	October 1990	April 1991	October 1991	Percent Change Apr/90 to Oct/91
Furnished Room	\$288	\$294	\$280	\$276	-4.1%
Bachelor	\$383	\$392	\$396	\$384	0.0%
One-Bed	\$524	\$508	\$510	\$506	-3.4%
Two-Bed	\$696	\$688	\$658	\$657	-5.6%
Three-Bed	\$883	\$870	\$826	\$818	-7.4%

Source: Housing Help Centre - Hamilton-Wentworth.



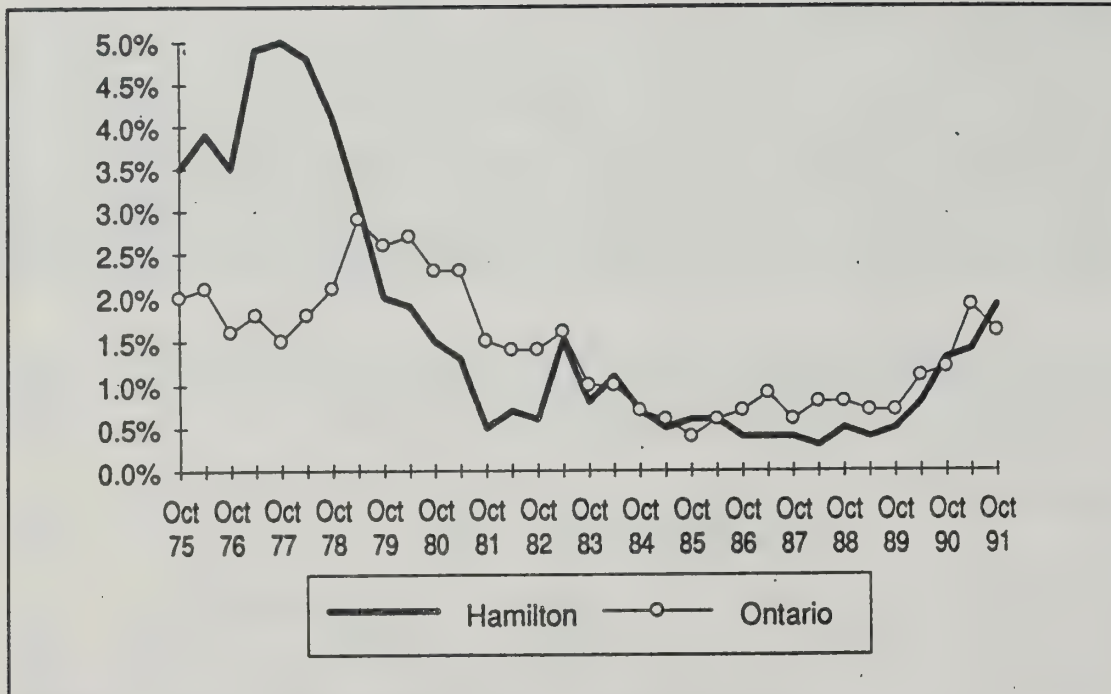


Figure 2 Rental Apartment Vacancy Rates, 1975-91

In 1991, a total of 971 housing starts were recorded by Canada Mortgage and Housing Corporation in the City of Hamilton, the lowest level since 1984 when 651 starts were recorded (Figure 3). The slowdown in the private new home market was particularly evident in 1991 as 62.6 percent of housing starts in Hamilton were accounted by the construction of social housing projects.

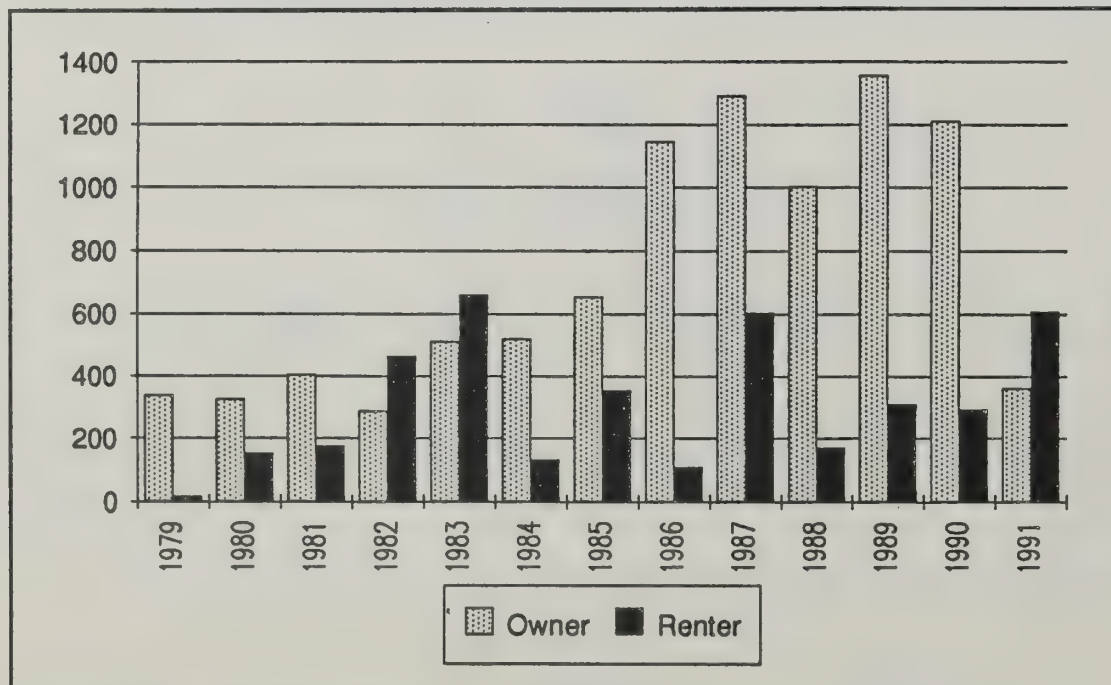


Figure 3 Dwelling Starts in Hamilton by Tenure, 1979-91



Housing market dynamics are driven to a major extent by demographic trends. One important demographic trend that affects housing demand is the number of persons in a household. Similar to other municipalities in Ontario, there has been a steady increase in the proportion of one-person households in Hamilton since the 1950's (Figure 4). This trend of an increasing proportion of smaller households is projected to continue through the 1990's.

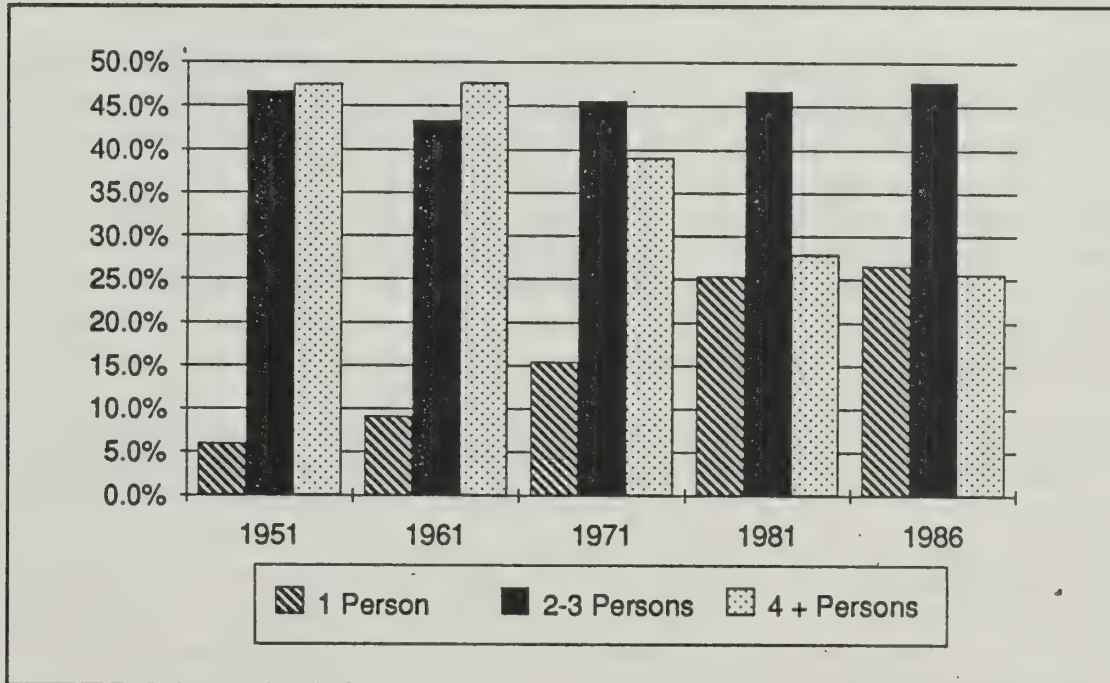


Figure 4 Distribution of Hamilton Households by Number of Persons

For households with the financial means to afford private market housing in Hamilton, the market changes that have occurred in 1991 are ideal. This is particularly true for first-time homebuyers wanting to enter the ownership market and for households seeking to move into a rental unit.

However, additional efforts are still required to address the most persistent and critical form of housing need in Hamilton - the needs of the homeless or street people, individuals with "special needs" (people who require housing assistance in tandem with social support services) and renter households with chronically low incomes (households with less than \$15,000 in annual income [1991 dollars]).

These households are extremely vulnerable to changing economic conditions and can literally be on the verge of homelessness at times. These individuals and households experience a very high incidence of housing affordability problems and have little or no choice in regard to "affordable" housing options in their community other than through access to assisted or social housing.



All levels of government need to recognize the critical housing needs in our society and allocate appropriate resources. What is needed, above anything else, is a conscious recognition that it is these people who are literally living on the street that have the greatest relative housing need in our communities. Ideally, this recognition should be accomplished through the creation of a comprehensive housing policy by both senior levels of government that recognizes and outlines the role of the private sector, government, and the scope of programmatic initiatives in the housing market.

Municipalities have a very important role to fulfil in achieving these broader aims. Although their fiscal resources and jurisdictional powers are limited, they are the level of government that can best articulate the housing needs of their community, identify emerging housing concerns and respond in a cohesive, efficient and cost-effective manner. The City of Hamilton has assumed a proactive role in regard to housing initiatives. In the 1950's, the City of Hamilton through the Hamilton Housing Company sponsored the construction of senior citizen apartments; and in 1985, the City fostered the establishment of the Municipal Non-Profit (Hamilton) Housing Corporation. This role should continue as real gains have been made in the community to ensure all Hamilton residents are adequately housed.

In broad terms, the Hamilton Housing Strategy seeks to ensure local housing issues receive the necessary attention from the Provincial and Federal Governments and other housing market participants. As with any housing strategy, co-operation, co-ordination and partnerships are the three key elements that effectively mobilize a municipality's involvement in the housing field. The City of Hamilton cannot do it alone; other municipalities, Hamilton residents, community agencies, the private homebuilding and development industry and, most importantly, senior levels of government need to participate with the City in a concerted and cohesive way to address housing problems within Hamilton.

#### **1.4 Housing Targets**

The establishment of housing targets indicate the scope and type of new housing development a municipality wants to achieve over a specified time period. As noted in Section Four of the companion document Technical Background Volume, the annual housing targets over the period 1991-1996 reflect an increased commitment to respond to the unmet housing demand for assisted or social housing units in Hamilton; this is represented by the "non-market housing" figures. Further, the private sector "market housing" targets are flexible, recognizing the unpredictability of market forces.

The City of Hamilton housing production targets are consistent with the Regional housing production targets adopted by the Region of Hamilton-Wentworth in the report Regional Housing Statement Update, 1990. In addition, it should be noted that since the completion of the Assisted Housing Survey in 1988, the magnitude of the need for assisted housing units in Hamilton has increased, particularly for townhouse units. Therefore, the non-market housing targets should be regarded as a conservative minimum estimate of the actual need for assisted housing units in the City of Hamilton.



Recommendation One:

*The following annual average new housing production targets be adopted for the time period 1991-1996 for the City of Hamilton:*

	<u>Market Housing</u>	<u>Non-Market Housing</u>	<u>Total</u>
Single-Detached	570	0	570
Semi-Detached	45	0	45
Row/Townhouse	51	184	235
Apartment	88	283	371
Total	754	467	1,221

*Further, these production targets be evaluated on annual basis.*

Recommendation Two:

*The following annual average new housing production targets for market housing (i.e., private sector initiatives) and non-market (i.e., assisted housing) be adopted for the time period 1996-2001 and 2001-2006 for the City of Hamilton:*

	<u>1996-2001</u>		<u>2001-2006</u>
	<u>Market</u>	<u>Non-Market</u>	<u>Market</u>
Single-Detached	465	0	350
Semi-Detached	25	0	5
Row/Townhouse	10	184	0
Apartment	60	283	175
Total	560	467	530

*Further, these production targets be evaluated as additional data sources become available (i.e., the 1991 Census of Canada, Assisted Housing Survey's, etc.).*

Targets for non-market housing have not been delineated for 2001-2006 in Recommendation Two because of the uncertainty of government fiscal commitments for social housing over a longer time horizon. Further, the market production targets should be considered as preliminary, recognizing the uncertainty of preparing long-term housing demand projections.

Recommendation Three:

*The City of Hamilton and the Municipal Non-Profit (Hamilton) Housing Corporation, in co-operation with other local social housing producers, housing advocacy organizations and tenant associations, undertake a lobbying campaign to inform the Federal and Provincial Governments of the significant and diverse unmet need for new assisted housing units in Hamilton.*



Recommendation Four:

*That the Federal Government re-instate funding to the Co-operative Housing Program that was withdrawn in the recent Federal Budget.*

Recommendation Five:

*The Ontario Ministry of Housing utilize the non-market housing targets outlined in the 1992 City of Hamilton Municipal Housing Statement Update as a quantitative base for future allocations of non-profit housing units in the City of Hamilton.*

Housing needs in Hamilton can also be met by non-profit community-based housing programs that facilitate independent living in market housing. These programs are very cost effective and enable individuals and households to secure appropriate accommodation within the existing stock of housing in a community. Examples of organizations that provide these programs include the Housing Help Centre, Victorian Order of Nurses (VON - Homesharing), the Y.W.C.A. and the Access to Permanent Housing Committee. A concern of the organizations involved in the delivery of these programs is the absence of a permanent funding commitment by the Provincial Government to ensure these housing needs are addressed.

Recommendation Six:

*The Provincial Government recognize and endorse the program activities of non-profit community-based organizations in Hamilton that facilitate independent living in private market housing units by maintaining a permanent budget commitment for the operation of these programs. These local organizations include the Housing Help Centre, the Victorian Order of Nurses (VON) Homesharing Program and the Y.W.C.A. Access to Permanent Housing - Adolescent and Community Care.*

**1.5 Provincial Policy Statement - Land Use Planning for Housing**

As noted in Section Three of the companion document Technical Background Volume, one purpose of the City's MHS Update is to provide the necessary background review and analysis of the various policies which would assist in the actual implementation of the Policy Statement. As a result of this review, a number of actions can be implemented.

In addition, the Housing Intensification Strategy adopted by City Council on June 25, 1991 (Item #21, Report of the Planning and Development Committee), contained a recommendation that stated "appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use". Another recommendation of the Strategy stated "Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement".



Accordingly, a number of Official Plan text changes can be implemented and other measures instituted which indicate Hamilton's commitment to meet the spirit of the Policy Statement and the approved recommendations of the Housing Intensification Strategy.

Recommendation Seven:

*Delete clause C.7.3 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:*

*C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:*

- i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;*
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;*
- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;*
- iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;*
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;*
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;*
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;*
- viii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;*



- ix) *Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;*
- x) *Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;*
- xi) *Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area; and,*
- xii) *Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.*

Recommendation Eight:

*Delete clause C.7.5 from Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan and replace with the following:*

*C.7.5 Council will on an annual basis monitor and review housing market trends, the types and prices of new housing production, the supply of designated residential land by planning status, levels of housing affordability and the range of anticipated asking prices and/or rents of individual residential development applications with a view to revising priorities and/or identifying policy and program changes in order to better achieve housing production targets.*

Recommendation Nine:

*Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Hamilton Official Plan as clause C.7.6:*

*C.7.6 Council will encourage at least 25 percent of new RESIDENTIAL development in the City to be "affordable", consistent with Provincial Government definitions of housing affordability. This is to be achieved on a municipality-wide basis and reflected in the Neighbourhood Planning process. Accordingly, the range and type of new RESIDENTIAL development will be evaluated annually to determine consistency with Provincial Government criteria for "affordable" housing.*

Recommendation Ten:

*Add the following clause to Subsection C.7 - Residential Environment and Housing Policy of the Official Plan as clause C.7.7 and renumber existing clauses C.7.6 through C.7.19 accordingly:*



*C.7.7 Council recognizes the importance of ensuring a sufficient supply of land for a range of residential uses. Accordingly, Council will ensure a minimum ten-year supply of residential land is maintained at all times as well as a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision.*

**Recommendation Eleven:**

*To facilitate enhanced monitoring of new housing production and compliance with the provisions of the Policy Statement Land Use Planning for Housing, applicants/proponents seeking approval for a plan of subdivision, a re-zoning application (including an Official Plan Amendment), or a site plan application will be requested to complete a "Housing Information Sheet". This Housing Information Sheet will detail the type of residential dwelling units to be constructed, the likely tenure of the development and the anticipated selling prices and/or market rents of the proposed dwelling units.*

**Recommendation Twelve:**

*With a view to achieving increased liaison with homebuilders, social housing providers, real estate representatives, other government officials and housing advocacy organizations, the City of Hamilton and the Region of Hamilton-Wentworth co-ordinate an annual "Greater Hamilton Housing Market Workshop". The objective of this workshop will be to assess current housing market trends and conditions and discuss previous years housing targets in light of actual production levels.*

**1.6 Local Housing Initiatives**

Sections Two and Three of the companion document Technical Background Volume identified a number housing market concerns and issues specifically affecting Hamilton households. The most effective response to local housing concerns is for the City to assume the role as "initiator", in terms of identifying the scope of issues and outlining possible ways of addressing the problem. Therefore, other organizations or agencies can seize upon the City's initiative and begin to work in partnership to implement pragmatic solutions.

One such concern is the general aging of the population and the financial difficulties experienced by senior citizen owner households on fixed or reduced incomes. One option of alleviating these cash flow constraints, that has been common in British Columbia for a number of years and has been recently introduced in Toronto, is the reverse mortgage. A reverse mortgage allows a homeowner to use the equity in their dwelling as a financial base for monthly annuity payments which would supplement other income.



Recommendation Thirteen:

*Based on the experience of other financial institutions in Canada, the City of Hamilton liaise and encourage local financial institutions to investigate the feasibility of introducing some type of reverse mortgage financial instrument for Hamilton senior citizen homeowners.*

Homelessness in Canada's metropolitan areas is a complex issue. Its causes are often difficult to quantify and require a careful and sensitive review of the local circumstances that create or exacerbate homelessness within a community. Hamilton is not immune to the problem of homelessness and evidence suggests the number of homeless individuals has increased markedly over the past five years.

Recommendation Fourteen:

*A working group be established comprised of representatives from housing advocacy organizations, the Municipal Non-Profit (Hamilton) Housing Corporation, staff from appropriate municipal departments and the Regional Food and Shelter Advisory Committee to prepare a report to City Council on the nature of the problem of homelessness in Hamilton. The report should quantify the extent of the homeless population in Hamilton and outline possible strategies, responses and actions required by the Municipal, Provincial and Federal Governments.*

Recommendation Fifteen:

*The Municipal Non-Profit (Hamilton) Housing Corporation develop an Implementation Plan that would address the housing needs in Hamilton outlined in the 1992 City of Hamilton Municipal Housing Statement Update and act as a resource to other housing organizations who desire to meet housing needs evident in the City of Hamilton.*

Securing land for the many social housing providers in Hamilton has been an on-going problem for many years and is still a concern. This is a particularly urgent need based on the number of Hamilton households in need of socially-assisted housing units and the availability of Federal and Provincial unit allocations that enable social housing providers to construct housing. Moreover, a slowdown in the private homebuilding sector has created an opportunity for social housing providers to secure quality developments at competitive prices.

If appropriate land can be secured, the present time is an ideal opportunity to construct new socially-assisted housing units. The City of Hamilton and Ontario Ministry of Housing "Joint Housing Action Agenda" committed the City to adopt a "Housing First Policy" for the disposition of surplus City-owned lands. The City's Housing First Policy is co-ordinated by the Real Estate Department and involves notifying all City departments, including the Municipal Non-Profit (Hamilton) Housing Corporation, of surplus City-owned vacant land that is made available.



To date, surplus City-owned lands located at 1150 and 1100 Limeridge Road East and surplus school board lands at 75 Wentworth Street and 1781 King Street East have been developed for non-profit housing. The transfer of Provincially-owned lands to the City for residential purposes would represent the foundation of a long-term commitment to ensuring land is available for social housing providers in Hamilton.

Recommendation Sixteen:

*The Provincial Government be requested to transfer all of their present surplus lands in Hamilton to the City to facilitate the construction of new social housing projects or as collateral to secure other parcels of land within Hamilton for social housing developments.*

**1.7 Rehabilitation of the Existing Dwelling Stock**

In the latter half of the 1980's, concern in regard to policies and programs that promoted the preservation and rehabilitation of the existing dwelling stock waned. This trend occurred because the Provincial Government focused on new housing construction as a means of achieving its objectives while private sector residential contractors and builders were responding to the surge in consumer demand for new housing. However, through the 1990's a renewed focus on rehabilitation and preservation of the existing dwelling stock is likely to occur for three main reasons:

- 1) Public Fiscal Constraints - Providing grants and loans to homeowners and landlords to modernize and renovate dwelling units is significantly less expensive than the costs associated with new residential construction and achieves the same objectives;
- 2) Quality of the Built Environment - People are expressing a growing concern with the quality of their built environment. This includes not only housing quality, but quality of the parks, roads, and other infrastructure components within a community; and,
- 3) Economic Circumstances - As the demand for new housing is projected to fall off during the 1990's, residential contractors and builders will be seeking to diversify - the renovation aspect of housing represents an economically viable alternative to new construction. Further, the thousands of dwellings constructed during the 1960's and 1970's are now approaching the time when significant renovations are required to bring these dwellings up to 1990's structural and consumer standards.

The City of Hamilton has been successfully administering a number of rehabilitation programs and has established a Province-wide reputation for its efficiency and effectiveness in this regard. Since 1984, the City has been utilizing the Provincial Low-Rise Rehabilitation Program to provide much-needed funding to upgrade rental buildings of five storeys or less and at least 25 years old. The City has been able to spend over \$12.5 million in the rehabilitation of over 3,000 units in this time period.



However, this success is being jeopardized by the inflexibility of the Provincial Government in regard to various program details and administrative restrictions. Further, the Province has indicated there will be no budgetary commitments to the Ontario Home Renewal Program (OHRP), the Convert-to-Rent program and the Low-Rise Rehabilitation program for an indefinite period of time. These actions are regrettable as these programs have been used extensively to renovate thousands of dwelling units in Hamilton.

Recommendation Seventeen:

*The Provincial Government be requested to form a working committee comprised of appropriate Ministry of Housing staff and representatives from major urban centres in Ontario to review the structural integrity of high-rise apartment buildings and other maintenance concerns, prepare an option paper on various avenues of preserving this stock of housing, and fund a program that would enable municipalities and landlords to preserve the high-rise stock.*

Recommendation Eighteen:

*The Provincial Government in consultation with the City of Hamilton undertake a review of existing renovation and rehabilitation programs (e.g., Convert-to-Rent, Ontario Home Renewal Program, Low-Rise Rehabilitation) to ascertain current administrative constraints and identify priority neighbourhoods that will maximize the effective delivery of these programs to Hamilton residents.*

*Further, the Province make a budgetary commitment to these programs recognizing the past success and the effectiveness of these programs in the City of Hamilton.*

Recommendation Nineteen:

*The Building Commissioner and the Director of Local Planning report to City Council on the feasibility of establishing a "Planning Advisory Service" for small-scale renovations, linking together both Building Code and land use planning regulations. This service will assist individuals wishing to undertake renovation and rehabilitation work. In addition, possible external funding sources, such as the Ontario Ministry of Housing or Canada Mortgage and Housing Corporation, be explored for establishing this service.*

A factor that has been cited by many homeowners and neighbourhood associations that deter individuals from undertaking renovation and rehabilitation work is the subsequent increase in property taxes. At present, all renovation and rehabilitation work valued at less than \$5,000 does not necessitate a review of the assessed value of property by the Ontario Ministry of Revenue. Increasing this dollar value would likely remove an impediment in the minds of homeowners wishing to renovate or rehabilitate their dwellings. In addition, there would be clear long-term benefits to the stock of housing in the City of Hamilton.



Recommendation Twenty:

*The Provincial Government be requested to increase the minimum threshold dollar value for renovation/rehabilitation work on residential dwellings that prompts a review of the assessed value of a dwelling from \$5,000 to \$10,000.*

**1.8 Additional Research**

One aspect of land use planning and housing development which should be fully explored is the feasibility and appropriateness of "inclusionary zoning" (i.e., zoning by-law provisions that specifically require certain forms of housing to be constructed as part of an overall development). Inclusionary zoning ordinances are very common in the United States; however, the legislative framework in Ontario is different such that similar zoning by-law requirements may be beyond the municipality's legal jurisdiction.

The Regional Chairman's Task Force on Affordable Housing has recommended the formation of a technical committee to develop "a model for a more flexible zoning by-law". Further, the "Commission on Planning and Development Reform in Ontario", chaired by former Toronto mayor John Sewell, has indicated one of its mandates is to recommend improvements and simplifications to the present land use planning process in Ontario. In February, 1992, City Council endorsed a position paper prepared by the Local Planning Branch of the Planning and Development Department commenting on the goals of the Sewell Commission and general land use planning issues. Accordingly, as one of the major urban municipalities in Ontario, the City of Hamilton should actively participate in both of these on-going initiatives to ensure the interests, suggestions and concerns of the City are made evident.

Recommendation Twenty-One:

*Staff of the Local Planning Branch monitor the work of the Sewell Commission and report to City Council on the progress of the Commission at appropriate junctures. Further, Local Planning Branch staff actively participate in the proposed technical committee of the Regional Chairman's Task Force on Affordable Housing reviewing area municipality zoning by-laws.*

The vast majority of new rental housing starts in Hamilton and throughout Ontario are the result of social housing initiatives. The absence of the private sector in the construction of new rental housing has implications on the present and future availability of rental housing units for households. Continuing tight rental apartment vacancy rates in the major urban centres across Ontario are in stark contrast to rental apartment vacancy rates recorded in other major metropolitan areas across Canada. As of October, 1991, the rental apartment vacancy rate in major Canadian metropolitan areas were as follows:

- ° Vancouver - 2.2 percent
- ° Calgary - 3.8 percent
- ° Winnipeg - 6.6 percent
- ° Toronto - 1.8 percent



- Ottawa - 0.8 percent
- Montreal - 7.8 percent
- Halifax - 5.0 percent

The City of Hamilton, as of October, 1991, recorded a rental apartment vacancy rate of 1.6 percent; it is generally regarded that a "competitive" rental market records a vacancy rate in the 2.5 to 3.0 percent range. An enhanced private sector involvement in the rental housing marketplace would allow social housing providers to focus more of their efforts on housing households that are most in need and therefore reduce the number of people and households on assisted housing waiting lists. Examples of initiatives that would help encourage greater private sector participation include tax incentives, rehabilitation programs and grants and loans.

Recommendation Twenty-Two:

*The Association of Municipalities of Ontario (AMO) and the Ontario Ministry of Housing be requested to undertake a comprehensive review of options that would achieve greater private-sector participation in the construction of new rental housing and in the renovation/rehabilitation of the existing rental stock in Ontario.*



96)

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 March 31  
(P5-4-2-20)

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

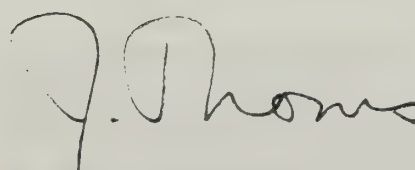
**SUBJECT:** Streamlining the Planning Process - Implementation of  
Provincial Policy Statement Land Use Planning for  
Housing

**RECOMMENDATIONS:**

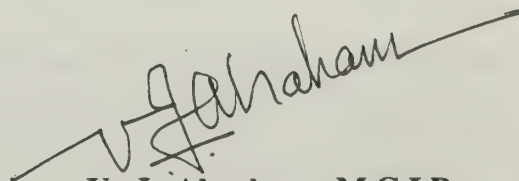
- A) That the Hamilton Official Plan be amended by adding the following new clause to Subsection C.7 - Residential Environment and Housing Policy":

*C.7.8 "Council recognizes the effective functioning of the planning approvals process as an important component to reduce housing cost. Accordingly, Council will, on a bi-annual basis, review the various development application processes to identify potential constraints and undertake appropriate actions to ensure the identified constraints are addressed.";*

- B) That Policy D.9.1 iii) of Subsection D.9 - Notification and Public Participation Procedure of the Hamilton Official Plan be amended by deleting "30" and replacing it with "17"; and,
- C) That the Ministry of Municipal Affairs be advised that appropriate measures should be undertaken to reduce the time frame in which Provincial Ministries (e.g., Ministry of the Environment and Ministry of Natural Resources) respond to planning applications; and further that the Ontario Municipal Board reduce the amount of time that elapses between referral of an issue to the Board and the actual hearing date.



**J. D. Thoms, M.C.I.P.**  
**Commissioner,**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**



**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

On July 13, 1989, the Provincial Cabinet approved the Policy Statement Land Use Planning for Housing. As noted in Section 3 of the Planning Act, Policy Statements may be issued from time to time "on matters relating to municipal planning that in the opinion of the Minister are of provincial interest." Policy Statements are an important element in municipal planning decisions; as stated in Section 3(5) of the Planning Act, "in exercising any authority that affects any planning matter, the council of every municipality... shall have regard to policy statements issued."

There are two objectives outlined in the Policy Statement Land Use Planning for Housing:

- A. *To foster municipal land use planning practices which are responsive to housing needs throughout the Province.*
- B. *To contribute, along with other provincial initiatives, to the overall goal of providing a sufficient supply of a range of housing types which are accessible, affordable, adequate and appropriate to the needs of the full range of households in Ontario.*

Specifically, the Policy Statement requires municipalities to:

- ° Provide for a continuous 10-year supply of serviced residential land; including a continuous 3-year supply of draft approved and/or registered lots;
- ° Examine opportunities for streamlining the planning approvals process;
- ° Provide for a range of housing types, including at least 25 percent of new residential development as "affordable" housing;
- ° Identify areas of the City of Hamilton appropriate for residential intensification; and,
- ° Undertake on-going monitoring of housing market trends and the constraints in regard to the provision of "affordable" housing.

On October 31, 1989, City Council endorsed a work program to implement the requirements of the Policy Statement. The first step in responding to the Policy Statement was completed in June, 1991 with the Council adoption of the Housing Intensification Strategy. The second step involved the completion of the 1992 City of Hamilton Municipal Housing Statement Update that addressed the requirements of the Policy Statement pertaining to the supply of land and range of housing types. The third and final step entails examining options that would streamline the planning process, which is the subject of this report.



### **SPECIFIC POLICY REQUIREMENTS FOR STREAMLINING:**

Speeding up or streamlining the land use planning process is one important action that may reduce the cost of new housing. In addition, streamlining utilizes existing staff resources in an organization in a more efficient manner. Therefore, any initiative that streamlines the land use planning process can be viewed as a "win-win" proposition.

Section 3 of the Policy Statement outlines the following policy in regard to streamlining the land use planning process:

- 3.1 *All municipalities and planning boards reduce the time to process residential applications, to the greatest extent practical by:*
- a. *adopting a guideline outlining time frames and procedures at each stage of the approval process;*
  - b. *incorporating a policy in the official plan to:*
    - i. *indicate council/planning board commitment to adhere to the procedural guidelines; and,*
    - ii. *include time frames, identified in the procedural guidelines, for each stage of the approval process.*

### **PREVIOUS STREAMLINING ACTIONS:**

Prior to the introduction of the Provincial Policy Statement, the City of Hamilton and the Region of Hamilton-Wentworth had already implemented measures that streamline the land use planning process. Hamilton Official Plan Amendment No. 15, approved by the Minister of Municipal Affairs in October, 1984, introduced policies that:

- 1) Reduced the length of time required for mailing notices for public meetings from 30 days, as established in the Planning Act, to 17 days;
- 2) Provide for a minimum of 30 days between the date of the public notification and Council decision; and,
- 3) Ensure Official Plan Amendments and proposed zoning by-law changes are submitted concurrently to Planning and Development Committee and City Council for approval.

In October, 1987, the Ministry of Municipal Affairs delegated to the Region of Hamilton-Wentworth responsibility of approving Official Plan Amendments for the Area Municipalities. This delegation has resulted in faster processing times for the approval of Official Plan Amendments than previously experienced. A review conducted by Regional Planning Branch staff indicates the time to approve an Official Plan Amendment from receipt of application has been reduced by 17.6 percent (i.e., from 8.5 months to 7.0 months since the Region assumed approval authority).



In July, 1989, the Region undertook additional streamlining measures which has had positive implications on the City of Hamilton. At that time, approval for subdivision, condominium and part-lot control by-laws was delegated from Regional Council to the Commissioner of Planning and Development. This delegation was for all applications, including applications involving affordable housing.

In addition, the list of agencies circulated for comment was also reduced for development applications and for Official Plan Amendments containing affordable housing. The "core agencies" on the reduced circulation list include the Ministry of Municipal Affairs, Ministry of Transportation, Ministry of the Environment, railroad companies, conservation authorities, school boards and affected area municipalities.

Another action that enhances the efficiency of the planning approvals process that has been adopted in Hamilton is the practice of holding only one public meeting for routine applications. Other municipalities frequently hold a series of public meetings on a particular application, usually as it moves from one stage of the process to the next.

It should be noted that the time frame between Planning and Development Committee and City Council meetings was shortened from 13 days to 6 days. This necessitates an amendment to Policy D.9.1 iii) of the Official Plan to reduce the days between public notification and the meeting of City Council from 30 days to 17 days.

#### ***RESULTS OF THE DEVELOPMENT APPLICATIONS REVIEW:***

To further ascertain potential actions or measures that would streamline the planning process in general, the approval processes for the following specific development applications were examined in detail:

- ° re-zoning applications;
- ° site plan applications; and,
- ° official plan amendments.

For each of the development applications noted above, a sample of recent and completed application files was reviewed. For each individual file, a chronology of events was prepared indicating the time intervals between milestone events. Average times were then calculated for each type of application.

In regard to Committee of Adjustment applications, it was noted that the length of process could not be shortened due to the frequency of the Committee meetings and the required appeal period. In practice, new applications to the Committee of Adjustment are put on the next agenda and, therefore, it is unlikely that additional time can be saved.

Two key points emerge from the review:

- 1) The time taken to receive comments from other agencies can at times be lengthy, particularly for various ministries of the Provincial Government.



For example, the Ministry of Natural Resources took an average of 123 days to respond to circulated proposed plans of subdivision while the Ministry of the Environment took an average of 66 days to respond to re-zoning applications. In comparison, the average length of time for municipal departments to respond to re-zoning applications was 30 days.

- 2) There can be very lengthy delays in having appeals brought before the Ontario Municipal Board.

At present, there are two City of Hamilton re-zoning applications that have been referred to the Ontario Municipal Board at the request of the City Clerk. These referrals were requested in letters dated August 2, 1991 (ZA-90-41) and September 2, 1991 (CI-90-C); the Ontario Municipal Board has yet to respond to either of these requests. Further, the actual hearing date is usually scheduled 4-6 months after receipt of the confirmation letter.

However, in spite of the constraints noted above, the process on the whole generally operates relatively effectively and in a timely manner. The table below summarize the time frames for particular development applications.

Zoning Applications in 1989 and 1990

Type of Development	Sample Number of Applications	Average Length of Time from Initial Application to By-Law Coming Into Effect
single-family	22	7.0 months
townhouse/row	7	7.3 months
multiple-family	11	7.5 months
proposed plan of subdivision	5	11.3 months

Site Plan Applications in 1989 and 1990

Type of Development	Sample Number of Applications	Average Length of Time from Initial Application to Signing of Agreement
multiple-family	17	5.0 months
townhouse/row	18	5.0 months

Official Plan Amendments

- The average length of time to incorporate two Council-approved Neighbourhood Plans into the Official Plan through an Official Plan Amendment was 3.7 months.



These time frames are extremely efficient when compared to other major municipalities, e.g., Scarborough and Mississauga, which take almost twice the amount of time to process various planning applications. It should be noted that in the mid 1980's the Planning and Development Department prepared brochures illustrating the steps and time frames of the planning approvals process for site plans, re-zonings, Official Plans and severances. It is hoped that this information can assist applicants in getting through the system quicker. Appendix A is an example of the brochures available to assist the public and prospective applicants. The brochures are currently being updated.

### **CONCLUSIONS:**

The City and the Region of Hamilton-Wentworth have instituted a number of streamlining measures independent of the requirements of the Provincial Policy Statement Land Use Planning for Housing. A detailed review of various development application processes has shown the planning approvals process in the City of Hamilton are indeed streamlined. Any additional streamlining initiatives after Council's approval will have to originate from the Provincial Government. The length of time the Provincial Ministries (i.e., Natural Resources and Environment) take to respond to development applications is considerably longer than other circulated agencies.

Further, the length of time between referrals submitted to the Ontario Municipal Board and the actual hearing date is also significant. A commitment by the Provincial Government to address these two components of the planning approvals process would contribute significantly to streamlining at the municipal level, certainly much more than the City can initiate.

The Policy Statement Land Use Planning for Housing advocates placing time frames within the Official Plan. This is an inappropriate action as it has the potential to give proponents a false sense of timing. Furthermore, established time frames do not recognize the inherent vagaries of the planning approval process. The arbitrary establishment of time frames would impair the ability of the City to achieve sound planning principles in development and redevelopment applications. This position is held by other municipalities as well including Stoney Creek, Flamborough and Etobicoke which have not included specific time frames within their respective Official Plans.

It is important for municipalities to review the planning approvals process on a periodic basis. In this regard, an assessment of the impediments to the smooth operation of the process can be identified and resolutions proposed. Accordingly, it is appropriate to include in the Hamilton Official Plan a clause that would commit City Council to review the planning approvals system on a regular basis.

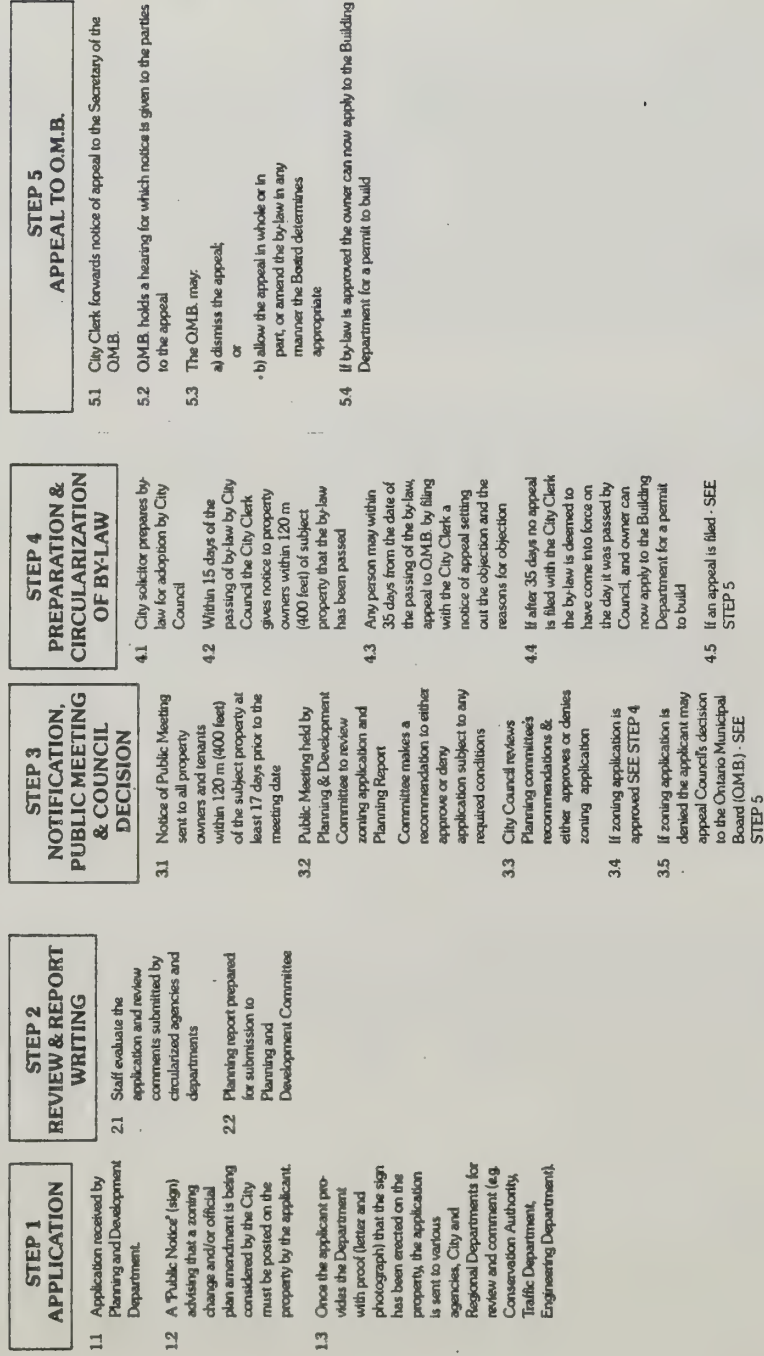
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## APPENDIX A



# ZONING BY-LAW AMENDMENT PROCEDURE CITY OF HAMILTON



**Important**

This brochure is intended to give the public a general description of the Zoning approval process. It identifies what is required when applying.



## HOW TO APPLY FOR A REZONING

### 1. What is Zoning?

Zoning is the means by which the City controls the use of property. In general terms, the Zoning By-law does the following:

- divides the City into various Zoning Districts (e.g. agricultural, open space, residential, commercial, industrial), which are shown on Zoning maps;
- defines the uses permitted in each Zoning District; and

- sets out the development standards for each permitted use (e.g. minimum lot area, minimum yard requirements, maximum building height, parking, etc.).

In effect, the Zoning By-law enables the City to control the use of land and the erection and use of buildings and structures thereon.

### 2. Who Needs A Rezoning?

Any person who wants to:

- establish a use that is not permitted in the applicable Zoning District; or
- erect a building which does not comply with the regulations of the applicable Zoning District; or
- change some other standard that is not minor in nature,

may apply to the City for an amendment to the Zoning By-law to allow the proposal.

In certain instances, "minor variances" to the By-law regulations can be handled by the Committee of Adjustment. Variances are usually granted when the general intent and purpose of the Official Plan and Zoning By-law are maintained, and the variance from the By-law (e.g. reduced side yard) is clearly "minor" in nature. In effect, the minor variance provides relief from the Zoning By-law regulations when a rezoning application is not necessary.

In some situations an Official Plan Amendment will be required. If you are uncertain about the existing Official Plan designation or whether your proposed

rezoning requires an Official Plan Amendment, consult with Planning and Development Department Staff, 7th Floor, City Hall or call 526-4221.

If you are uncertain as to whether or not your proposal complies with the Zoning By-law, information can be obtained from the Building Department, 3rd Floor, City Hall or by telephoning 526-2720.

### 3. How And Where To Apply For A Change In Zoning

A change in zoning or zoning regulations is made by submitting an application for rezoning to the Planning and Development Department. Application forms are available from the Planning and Development Department, 7th Floor, City Hall.

### 4. Plans And Information Required

The application form is to be completed in triplicate and submitted in duplicate, with two copies of a survey plan of the land affected. The third copy is provided for retention by the applicant.

Before the application is processed, the applicant must erect a "Public Notice" (sign) on the property indicating that a zoning change and/or official plan amendment is being considered by the City. For detailed information regarding the sign posting requirement, refer to the zoning application form.

The description of the proposed use should include details such as the number of buildings, floor area, number of units, building height, number of parking spaces, access, etc. The application may be accompanied by a copy of a preliminary site plan showing the location of the proposed building, parking areas, access, etc., which assists in processing the application.

Notes are provided with the application for the assistance of the applicants in completing the Zoning Application. Because the zoning approval process is technical and because an owner may not be

able to afford any hold-ups, it may be advisable that professional assistance be retained, particularly for complex proposals or if an Official Plan Amendment is also required.

### 5. Zoning By-law Amendment Procedure

See table on back of page.

### 6. How Long Will It Take?

Generally, a rezoning with no objections can be approved within 4 months. However, in situations where adequate information is not provided or the application involves a complicated issue, it may take longer than 4 months. With objections the rezoning process can be lengthy taking up to 1 year because of the Ontario Municipal Board Hearing process.

### 7. How Much Will It Cost?

A fee payable to the Treasurer of the City of Hamilton is required to be submitted with each zoning application.

In some situations an Official Plan Amendment will be required, in which case an additional fee will be required.

**NOTE:** Application fees may be adjusted from year to year. In this regard, the applicable fees will be noted on the zoning application forms.

### 8. Appealing A Decision

If your application for a rezoning is denied by City Council, you can appeal their decision to the Ontario Municipal Board. Directions in this regard can be obtained by writing to:

The Ontario Municipal Board  
180 Dundas Street West,  
Toronto, Ontario  
MSG 1E5

Generally, the decision of the Board is final.

### 9. Re-application

Generally, where an application or rezoning has been denied by Council, another application for the same or similar uses is usually not dealt with by the Planning and Development Committee until at least 1 year from the date of Council's decision, except for unusual circumstances.

### 10. Site Plan Control

If your development proposal is within the designated Site Plan Control Area, (i.e. "D", "DE-2", "DE-3", "E", "E-2", "E-3", "G", "G-1", "G-2", "G-3", "G-4", "H", "H-1", "H-2", "H-3", "H-4", "H-5", "H-6", "H-7", "H-8", "H-9", "H-10", "H-11", "H-12", "H-13", "H-14", "H-15", "H-16", "H-17", "H-18", "H-19", "H-20", "H-21", "H-22", "H-23", "H-24", "H-25", "H-26", "H-27", "H-28", "H-29", "H-30", "H-31", "H-32", "H-33", "H-34", "H-35", "H-36", "H-37", "H-38", "H-39", "H-40", "H-41", "H-42", "H-43", "H-44", "H-45", "H-46", "H-47", "H-48", "H-49", "H-50", "H-51", "H-52", "H-53", "H-54", "H-55", "H-56", "H-57", "H-58", "H-59", "H-60", "H-61", "H-62", "H-63", "H-64", "H-65", "H-66", "H-67", "H-68", "H-69", "H-70", "H-71", "H-72", "H-73", "H-74", "H-75", "H-76", "H-77", "H-78", "H-79", "H-80", "H-81", "H-82", "H-83", "H-84", "H-85", "H-86", "H-87", "H-88", "H-89", "H-90", "H-91", "H-92", "H-93", "H-94", "H-95", "H-96", "H-97", "H-98", "H-99", "H-100", "H-101", "H-102", "H-103", "H-104", "H-105", 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**CITY OF HAMILTON**

**- RECOMMENDATION -**

**DATE:** 1992 March 31  
P5-3-2-109/P5-4-2-20

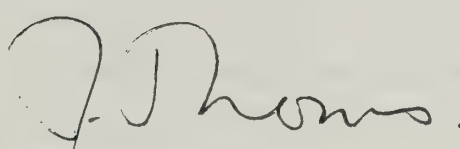
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

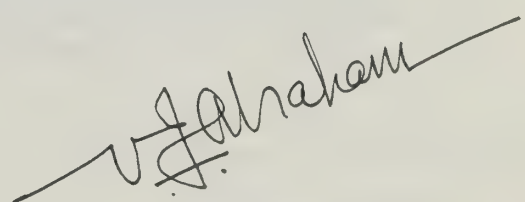
**SUBJECT:** Proposed Amendment to the Official Plan - Provincial  
Policy Statement Land Use Planning for Housing

**RECOMMENDATION:**

- A) That approval be given to Official Plan Amendment No. to make text changes to Subsection C.7 - Residential Environment and Housing Policy and Subsection D.9 - Notification and Public Participation Procedure of the Hamilton Official Plan to fulfil the requirements of the Provincial Policy Statement Land Use Planning for Housing, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.



**J.D. Thoms, M.C.I.P.**  
Commissioner,  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

In July, 1989, the Provincial Cabinet approved the Policy Statement Land Use Planning for Housing. Under the Planning Act, municipalities "shall have regard to" Provincial policy statements "in exercising any authority that affects any planning matter." The intent of the Policy Statement is to direct municipalities to address the land use planning concerns associated with the provision of all forms of housing. Specifically, the Policy Statement requires municipalities to:



- Provide for a continuous 10 year supply of serviced residential land;
- Examine opportunities for streamlining the planning approvals process;
- Provide for a range of housing types, including at least 25 percent of new residential development for "affordable" housing;
- Identify areas of the City of Hamilton appropriate for residential intensification; and,
- Undertake on-going monitoring of housing market trends and the constraints in regard to the provision of affordable housing.

Three separate studies have been completed by the Local Planning Branch of the Planning and Development to fulfil the requirements of the Provincial Policy Statement. A number of recommendations within these reports propose text changes to the Hamilton Official Plan. The reports are as follows:

- Housing Intensification Strategy, adopted by City Council on June 21, 1991;
- 1992 City of Hamilton Municipal Housing Statement Update, submitted to Planning and Development Committee on April 8, 1992 for approval; and,
- Streamlining the Planning Process - Implementation of the Provincial Policy Statement Land Use Planning for Housing, submitted to Planning and Development Committee on April 8, 1992 for approval.

The draft Official Plan Amendment which implements the recommendations of these reports is attached as Appendix A.

KE/



## Draft Amendment

## APPENDIX A

to the

### City of Hamilton Official Plan

The following text constitutes Official Plan Amendment No. \_\_\_\_.

#### Purpose

The purpose of this Amendment is to make text changes to the City of Hamilton Official Plan, required as a result of the completion of the reports entitled Housing Intensification Strategy, 1992 City of Hamilton Municipal Housing Statement Update and Streamlining the Planning Process - Implementation of Provincial Policy Statement Land Use Planning for Housing.

#### Basis

Text changes are required to Subsection C.7 - Residential Environment and Housing Policy as a result of the completion of the reports entitled Housing Intensification Strategy, 1992 City of Hamilton Municipal Housing Statement Update and Streamlining the Planning Process - Implementation of Provincial Policy Statement Land Use Planning for Housing. This Amendment will provide the implementation of the approved recommendations in the above-noted documents pertaining to the City of Hamilton Official Plan.

#### Actual Changes

The actual changes to the text of the Hamilton Official Plan are as follows:

- 1) Delete clause C.7.3 of Subsection C.7 - Residential Environment and Housing Policy in its entirety and replace with the following:

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

- i) Encourage the maintenance, renovation and rehabilitation of RESIDENTIAL properties, subject to the provisions of Subsection C.5;
- ii) Promote the restoration and/or rehabilitation of housing structures exhibiting Architectural or Historical merit, subject to the provisions of Subsection C.6;



- iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that is consistent and complements the established development pattern;
- iv) Support RESIDENTIAL conversion of underutilized commercial space to residential which does not undermine the primary commercial use/function of the neighbourhood, subject to the provisions of Subsection A.2.2;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;
- vi) Support new RESIDENTIAL development that provides tenure options and a range of prices/rents for new dwellings that will be "affordable" to Hamilton residents;
- vii) Encourage non-profit and co-operative housing organizations to provide a range of socially-assisted dwelling units for a variety of client types, in all areas of the City, at densities and scales compatible with the established development pattern;
- viii) Support the concept of accessory apartments as-of-right in all areas of the City as regulated by the Zoning By-Law;
- ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;
- x) Encourage the development of a range of RESIDENTIAL care and short-term care facilities in all areas of the City through appropriate recognition in the Zoning By-Law;
- xi) Encourage the rehabilitation and renovation of dwellings as an alternative to demolition in appropriate locations and circumstances, having regard to the preservation and maintenance of the amenity of the RESIDENTIAL area; and,
- xii) Encourage development at densities conducive to the efficient operation of Public Transit and which utilizes designs or construction techniques that are energy efficient.



- 2) Delete clause C.7.5 of Subsection C.7 - Residential Environment and Housing Policy in its entirety and replace with the following:

C.7.5 Council will on an annual basis monitor and review housing market trends, the types and prices of new housing production, the supply of designated residential land by planning status, levels of housing affordability and the range of anticipated asking prices and/or rents of individual residential development applications with a view to revising priorities and/or identifying policy and program changes in order to better achieve housing production targets.

- 3) Add the following new clauses C.7.6, C.7.7 and C.7.8 to Subsection C.7 - Residential Environment and Housing Policy:

C.7.6 Council will encourage at least 25 percent of new RESIDENTIAL development in the City to be "affordable", consistent with Provincial Government definitions of housing affordability. This is to be achieved on a municipality-wide basis and reflected in the Neighbourhood Planning process. Accordingly, the range and type of new RESIDENTIAL development will be evaluated annually to determine consistency with Provincial Government criteria for "affordable" housing.

C.7.7 Council recognizes the importance of ensuring a sufficient supply of land for a range of residential uses. Accordingly, Council will ensure a minimum ten-year supply of residential land is maintained at all times as well as a continuous three-year supply of a combination of draft approved and/or registered lots and blocks on plans of subdivision.

C.7.8 Council recognizes the effective functioning of the planning approvals process as an important component to reduce housing cost. Accordingly, Council will, on a bi-annual basis, review the various development application processes to identify potential constraints and undertake appropriate actions to ensure the identified constraints are addressed.

- 4) Renumber existing clauses C.7.6 through C.7.19 of Subsection C.7 - Residential Environment and Housing Policy accordingly; and,
- 5) Amend clause D.9.1 iii) of Subsection D.9 - Notification and Public Participation Procedure by deleting "30" and replacing it with "17".

### **Implementation**

Provisions of Section D - Implementation of the Official Plan will apply to the implementation of this Amendment. A zoning by-law amendment will also give effect to some of the Official Plan policies.







This is Schedule "1" to By-law No. 92- , passed on the day of , 1992.

**The Corporation of the  
City of Hamilton**

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City Clerk

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Mayor







CA4 ON HIBL A05  
C51P4  
1992



J.J. SCHATZ  
CITY CLERK

**THE CORPORATION OF THE CITY OF HAMILTON**  
OFFICE OF THE CITY CLERK  
71 MAIN STREET WEST  
HAMILTON, ONTARIO L8N 3T4

TEL: 546-2700  
FAX: 546-2095

URBAN MUNICIPAL

1992 April 16

APR 22 1992

**NOTICE OF MEETING**

GOVERNMENT DOCUMENTS

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1992 April 22  
9:30 o'clock a.m.  
Room 233, City Hall

Tina Agnello, Secretary  
Planning & Development Committee

**A G E N D A**

9:30 o'clock a.m.

1. **Commissioner of Planning and Development** - Previously tabled.

Amended Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, for a change in zoning from "D" to "E-2", modified, for Block "1", and for a modification to the "H" District regulations for Block "2", for property located at Nos. 320-330 Charlton Avenue East; Kirkendall North Neighbourhood.

2. Consent Agenda

**Zoning Applications**

10:30 o'clock a.m.

3. City Initiative 85-F, for a general text amendment to Zoning By-law No. 6593 to amend Section 2 - Interpretation and Definitions to revise the definition of "Outdoor Patio".







4. Amended Zoning Application 90-61, 662016 Ontario Limited (Bayfield Green Development Co.), owner, for changes in zoning from "AA" to "G" for Block "1" and from "C" to "G" for Block "2", for property located at No. 1471 Upper James Street; Ryckmans Neighbourhood.

(a) Submission - Gordon Albini, 78 Queenston Road, Hamilton,  
L8K 1E9

5. Zoning Application 92-02, J.V. Gates (In Trust), prospective owner, for a further modification to the established "E" District regulations, for property located at No. 124 Walnut Street South; Corktown Neighbourhood.  
**Report to be distributed at the meeting.**

10:45 o'clock a.m.

6. Amended Zoning Application 91-18, Vedemo Construction Limited, owner, for changes in zoning from "AA" to "C" for Block "1", from "AA" to "RT-20" for Block "2" and from "D" to "RT-20" for Block "3", for lands located on the west side of Bow Valley Drive and south of Highridge Avenue; Riverdale East Neighbourhood.

(a) Submission - Peter Corradetti, 90 Strawberry Drive, Hamilton,  
L8E 4R4

7. Zoning Application 91-87, Tyka Investments Limited, owner, for changes in zoning from "AA" to "R-4" for Block "1" and from "AA" to "RT-30" for Block "2" for property located at No. 1158 Upper Wentworth Street, Crerar Neighbourhood.

11:00 o'clock a.m.

8. Correspondence - Graham O'Donnell
9. Other Business
10. Adjournment







## OUTSTANDING LIST

### PLANNING AND DEVELOPMENT COMMITTEE

<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
Control of Satellite Dishes	1989 Apr. 26	Planning	Pending Report
Mobile Signs		Planning	Report Pending
Land Use Review Upper James Street (west side, Wembley to South Bend Roads)	1990 June 20	Planning	Report back for further review
C.I.90-F - Parking requirements in the Central Business District	1990 July 25	Planning	Draft Report being finalized. Consult with Parking Authority, Traffic, Building and Cash-in-Lieu of Parking Committee and report back
Site Plan Enforcement Procedures	1991 Jan. 23	Building, Regional Engineering, Planning	Report back on alternative proposals
City Initiative - Wm. Connell Park, Redbirds Double "A" facility	1991 April 24	Planning	To be processed
ZA 88-129 - South-east corner of Upper Wentworth Street & Stone Church Road East	1991 April 24	Regional Engineering/ Ward 7 Aldermen	Tabled until 1991 October to determine road requirements and Ward Aldermen to hold a neighbourhood meeting







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
C.I. - Mohawk Sports Park & Bernie Arbour Stadium	1991 May 22	Planning	To be processed
Review of the "M" District	1991 May 22	Planning	Pending final report - Public Meeting
Conditions of conversions - separate utility controls	1991 June 19	Building	Report pending
ZA 91-43 - 145 MacNab Street North	1991 October 23	Planning	Tabled to resolve design issues and height of building.
Site Plan Control Application DA-91-50 - 45 Hempstead Drive	1992 January 8	Planning	Tabled - Applicant directed to proceed through Committee of Adjustment
ZA-91-54 276 Sanford Avenue North	1992 January 22	Planning	Tabled - upon the request of the applicant
ZA-91-82 547 and 549 Wilson Street and 79 and 81 Sanford Avenue North	1992 March 4	Planning	Tabled - to resolve neighbour's concerns
Roof Water Connections	1992 March 25	Building	Report Pending
Request regarding Urban Design Committee Circulation on municipal projects	1992 March 25	Municipal Departments	Tabled - to solicit comments from - Municipal Depts & standing committees







<u>ITEM</u>	<u>ORIGINAL DATE</u>	<u>ACTION</u>	<u>STATUS</u>
ZA-89-94 820 Rymal Road West Condition of Approval	1992 April 8	Applicant	Tabled - to allow negotiations between applicant and vendor
Home Occupation Use	1992 April 8	Planning	Report requested by Committee
ZA-91-57 1050 Rymal Road East	1992 April 8	Planning	Tabled - to permit applicant to meet with staff to resolve parking issue

1992 April 14







1.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 15 1992

**DATE:** April 14, 1992  
ZA-91-78  
Kirkendall North Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change and modification in Zoning - No.  
322-330 Charlton Avenue West.

**SECOND REPORT**

**RECOMMENDATION:**

That approval be given to Zoning Application 91-78, Artaban Non-Profit Homes Inc., prospective owner, requesting a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Block "2", to permit the development of the subject lands for a four (4) storey, 29 unit apartment building and parish hall, for the property located at 322-330 Charlton Avenue West, shown as Block "1" and Block "2" on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District;
- ii) That the "E-2" (Multiple Dwellings) District regulations as contained in Section 11B of Zoning By-Law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
  - a) That notwithstanding Section 11B(2)(ii) of Zoning By-Law No. 6593, no building or structure shall exceed four (4) storeys or 14.0 m in height;
  - b) That notwithstanding Section 11B(5) of Zoning By-Law No. 6593, no building or structure shall exceed a maximum gross floor area of 2206.0 m<sup>2</sup> and twenty-nine (29) dwelling units;
  - c) That Section 11B(3)(i)(b) of Zoning By-Law No. 6593 shall not apply within 46.0 m of the easterly lot line of Block "2", however a minimum front yard depth of 4.3 m shall be provided and maintained for the remaining lot frontage;
  - d) That Section 11B(3)(ii)(b) of Zoning By-law No. 6593, shall not apply to the easterly lot line;



- e) That notwithstanding Section 11B(6) of Zoning By-law No. 6593, a minimum landscaped area of 406.0 m<sup>2</sup> shall be provided and maintained on the lot;
  - f) That notwithstanding Section 18A(1)(a) of Zoning By-Law No. 6593, not less than twelve (12) parking spaces shall be provided and maintained on the lot;
  - g) That Section 18A(1)(c) of Zoning By-law No. 6593, shall not apply;
  - h) That notwithstanding Section 18A(7) of Zoning By-law No. 6593, a 1.0 m portion of the required 6.0 m parking space length may be raised;
  - i) That Section 18A(11)(a) of Zoning By-law No. 6593, shall not apply to the westerly lot line;
  - j) That Section 18A(25) of Zoning By-law No. 6593, shall not apply;
- iii) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
    - a) That Section 14(3) of Zoning By-law No. 6593, shall not apply to the existing church only;
  - iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W13 be notated S- ;
  - v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W13 for presentation to City Council;
  - vi) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
  - vii) That the approved Kirkendall North Neighbourhood Plan be amended by redesignating Block "1" from "SINGLE AND DOUBLE RESIDENTIAL" to "MEDIUM DENSITY APARTMENTS".

***EXPLANATORY NOTE:***

The purpose of the By-Law is to provide for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwelling, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District modified for Block "1", and a modification to the "H" (Community Shopping and Commercial, etc.) District for Block "2", for the property located at 322-330 Charlton Avenue West, shown as Blocks "1" and "2" on the attached map.

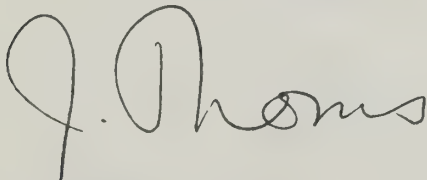
The effect of the by-law is to permit the development of the subject lands for a four (4) storey, twenty-nine (29) unit, apartment building and parish hall which will be physically connected to the existing church.



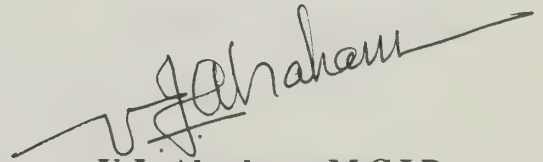
In addition, the By-law provides for the following variances as special requirements associated with the "E-2" (Multiple Dwelling) District (Block "1"):

- Restricts the building to a maximum gross floor area of 2206.0 m<sup>2</sup>, twenty-nine (29) dwelling units, and four (4) storeys or 14.0 m in height;
- Eliminates the front yard setback requirement for a portion of the proposed building whereas 7.5 m is required;
- Eliminates the easterly side yard setback requirement whereas 1.5 m is required;
- Requires a minimum 406.0 m<sup>2</sup> landscape area whereas 387.5 m<sup>2</sup> is required;
- Permits twelve (12) parking spaces whereas thirty-seven (37) are required;
- Permits a 1.0 m portion of the required parking spaces to be raised whereas the entire 6.0 m length is required to be level;
- Permits the boundary of the parking area and access driveway to abut the westerly lot line whereas a 1.5 m and 3.0 m distance separations are required, respectively.

Furthermore, the By-law also provides for a variance to the "H" (Community Shopping and Commercial, etc.) District (Block "2"), to recognize the established yard setbacks for the existing church.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant has applied to construct a four (4) storey apartment building, containing twenty-nine (29) dwelling units ( i.e. - 21 units for the physically disabled - visually and/or hearing impaired, and paraplegic, and 8 units for seniors), and a parish hall (located in the basement), which will be physically connected to the existing church.



The existing parish hall, damaged by fire, will be demolished (See Appendix "C").

- Public Meeting

A public meeting of the Planning and Development Committee was held on March 25, 1992 regarding this application. At this meeting, the Committee approved, in principle, the proposed development. However, as there were several citizens present expressing concerns about the details of the development, the Committee directed staff to meet with the Ward Aldermen, the proponents, and the area residents to review the details of the development.

The meeting with the Ward Aldermen, the proponents, area residents, and staff, was held on April 13, 1992. Approximately 71 people were in attendance. Several residents expressed support for the project. Other residents expressed concern regarding the issue of on-site parking, traffic, and on-street parking. In response to questions from the Ward Alderman, the City's Traffic Department submitted revised comments in the form of a letter to the Ward Alderman (see Appendix "D"). No resolution of the residents' concerns respecting parking was made.

- Neighbourhood Meeting

On February 27, 1992 a neighbourhood information meeting was held to discuss this rezoning application. In attendance were the Ward Alderman, a staff member from the Planning and Development Department, a staff member from Traffic Services, and residents of the area. The residents' concerns included servicing, fire access, building design and setbacks, and the number of parking spaces provided.

**LOT SIZE AND AREA:**

- 76.193 m (249.79 ft.) of lot frontage on Charlton Avenue West;
- 39.337 m (129.05 ft.) of lot depth; and,
- 2 224.35 m<sup>2</sup> (23,943.487 sq.ft.) of lot area.

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant Fire Damaged Parish Hall, Residential, and Church	"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District



### Surrounding Lands

to the north, south,  
west

Residential and Commercial

"D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District and "H" (Community Shopping and Commercial, etc.) District

to the east

Commercial

"H" (Community Shopping and Commercial, etc.) District

### **OFFICIAL PLAN:**

The subject lands are designated **RESIDENTIAL and COMMERCIAL** on Schedule A - Land Use Concept of the Official Plan. The existing church site (Block "2") is designated **COMMERCIAL**. The following policies should be noted:

- "A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan:
- ii) Institutional Uses, regardless of site area and, in accordance with the provisions of Subsection A.2.6 of this Plan."

The proposal does not conflict with the **COMMERCIAL** designation.

The remainder of the site (proposed housing development and parish hall - Block "1") is designated **RESIDENTIAL**, the following policies apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
- ii) Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals



for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

- A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
  - iii) Improvement and maintenance of street landscaping;
  - viii) Other similar actions or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
  - iv) Encourage the responsible public agencies to provide low-cost and/or senior citizen housing at appropriate locations throughout the City;
  - vii) Encourage development at densities conducive to the operation of Public Transit and which utilizes designs or construction that are energy efficient."



The proposal does not conflict with the **RESIDENTIAL** designation. It should be noted that the parish hall would be considered an institutional use and would be permitted under policy A.2.1.3 ii).

### **NEIGHBOURHOOD PLAN:**

The lands are designated "Civic and Institutional" (Church - Block "2"), and "Single and Double Residential" (No. 322 Charlton Avenue West and the Parish Hall - Block "1") on the approved Kirkendall North Neighbourhood plan. The proposal does not comply with the intent of the Plan. Approval of the application would require a redesignation to "MEDIUM DENSITY APARTMENTS" for the portion of the development within Block "1".

### **RESULTS OF CIRCULARIZATION:**

- The Hamilton Region Conservation Authority has reviewed the above-mentioned proposal and does not have any objection.
- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

In the absence of any details shown, we advise any works which may occur within the Charlton Avenue West road allowance must conform to the City's Street By-law. Any removal or planting of trees within the road allowance requires the approval of the Public Works Department.

We recommend that the subject lands, if approved, be developed through site plan control. At that time we will provide more detailed comments on setbacks, grading, landscaping, fence locations, etc.

According to our records, the alley to the rear of the subject lands is public assumed."

- The Traffic Department has reviewed the application and has forwarded the following comment:

"It is our understanding that the 29 unit proposal will accommodate a mixture of seniors, low income families and special needs persons. The plan indicates that 12 parking spaces will be provided for the 29 units whereas 37 parking spaces are required by the Zoning By-law.

We have attempted to study the parking needs of similar facilities but have insufficient sample size with which to draw a conclusion. If the applicants have the ability to restrict tenants of the project, either economically or directly, then they would have the power to ensure that the proposed 12 parking spaces would be sufficient. If the applicants are unable to exercise this type of control, we are not in a position to advise if the proposed 12 spaces will be adequate.

The committee should be aware that if the proposed play area were to be eliminated,



approximately 5 additional parking spaces could be provided on-site".

Additional comments were submitted at the April 13, 1992 Neighbourhood Meeting (see Appendix "D").

- The Building Department has reviewed the application and has forwarded the following comments:

"1. Charlton Avenue West is considered the front lot line. The lot line adjoining the alleyway is the rear lot line and all other lot lines are sides.

2. The following are the minimum yards:

Front Yard: 7.5 m  
 Side Yards: 3.0 m (Church-East)  
               1.5 m (Multiple Dwelling-East)  
               1.5 m (West)  
               6.11 m (Church-North)  
 Rear Yards: 10.61 m

The front, side east (multiple dwelling), and side north yards are insufficient.

3. The maximum gross floor area and the minimum landscape area shall be based on the lot area within the E-2 District.
4. It would appear that the gross floor area exceeds the maximum permitted and the minimum landscape area will not be provided within the district.
5. A 29 unit multiple dwelling requires a minimum 37 parking spaces and one (1) 3.7m x 9.0m x 4.3m loading space.
6. The entire parking areas shall be levelled (no raised portions).
7. A 1.5m planting strip is required between the parking area and the residential district to the west.
8. The access driveway shall be at least 3.0m from the residential district to the west.
9. A visual barrier is required along the lot line abutting the residential district to the west.
10. According to our records, the existing church is on the road allowance of Charlton West and may require an encroachment agreement with the Regional Engineering Department.
11. No portion of the proposed building shall be over the lot line at the front or side.



12. Demolition approval of the existing residential building, by the Planning and Development Committee, under the Demolition Control By-law is required."

**COMMENTS:**

- 1) The proposal does not conflict with the intent of the Official Plan. However, the proposal conflicts with the intent of the approved Kirkendall North Neighbourhood Plan. Approval of the application would require a redesignation to "Medium Density Apartments" on the approved Neighbourhood Plan for Block "1".
- 2) The proposed twenty-nine (29) unit apartment building (multiple-dwelling) and parish hall has merit and can be supported for the following reasons:
  - i) it is an infill housing project which will contribute to a desirable housing mix within close proximity to the downtown, shopping facilities, public transit, medical offices, and other amenities;
  - ii) it will increase the supply of affordable housing for special needs groups, by providing 21 units for the physically disabled (i.e. - visually and/or hearing impaired, and paraplegic), and 8 units for seniors;
  - iii) the proposed development will integrate and be sensitive to the adjoining residential development in terms of height, bulk, and arrangement.
- 3) Based upon a preliminary site plan, approval of the application would require the following variances:

- **Density**

The proposed apartment building and parish hall will have a gross floor area of 2206.0 m<sup>2</sup> whereas 1844.5 m<sup>2</sup> is permitted. In this regard, the floor area ratio (F.A.R.) would be 1.42 and the maximum permitted under the "E-2" district regulations is 1.19.

The preliminary floor plans indicate that the slightly higher density requested is partly attributed to the provision of storage areas within each unit (40.72 m<sup>2</sup> total), which normally would be contained in the cellar, and would not be reflected in the F.A.R. However, due to the design of the building and the desire to provide a parish hall within the cellar, storage areas cannot be provided within the cellar.

Thus, on the basis of the above-mentioned, the increase in density is considered to be minor in nature and can be supported.

- **Yards**

The front yard setback will be eliminated along the southerly lot line within 46.0 m of the easterly lot line of Block "2", and a minimum 4.3 m front yard setback will be provided for the remaining 30.19 m along the southerly lot line, whereas the by-law requires 7.5 m minimum. The existing church presently has



no setback from the southerly lot line and the 4.3 m setback would place the bulk of the proposed building in line with the front yard setback of the adjacent single family dwelling. Therefore the proposed front yard setbacks facilitate a building arrangement that integrates with the surrounding built environment. The side yard requirement will be eliminated along the easterly lot line of Block "1" in order to facilitate a physical connection between the existing church and the proposed building. It also allows a greater separation between the proposed building and the adjacent single-family residential dwellings to the west.

A side yard width of 1.07 m minimum exists along the northerly lot line adjacent to the church whereas the by-law requires 6.11 m minimum. Thus, a variance is necessary to recognize the insufficient yard which has resulted from Charlton Avenue West being considered the front lot line for the new proposal whereas previously Lock Street was considered the front lot line for the church.

The above-mentioned variances related to yards are considered to be minor in nature and can be supported.

• **Parking and Loading**

Twelve (12) parking spaces will be provided on site whereas the by-law requires thirty-seven (37) parking spaces (1.25 spaces x 29 units). The applicant has suggested the following parking calculations which are geared towards their specific user groups (see Appendix "B"):

	<u># of Units</u>	<u>Rate</u>	<u>Spaces Proposed</u>
• one (1) & two (2) bedroom unit (physically disabled) -	21	.20	5
• one (1) bedroom unit (seniors apartment) -	<u>8</u>	.33	<u>3</u>
• <b>Total</b> -	<u>29</u>		<u>8</u>

Thus, based upon the specific user groups the applicant suggests that eight (8) parking spaces would be sufficient. However, to insure that adequate parking is available they will provide twelve (12) parking spaces on the lot.

The applicant has also provided statistics, for other similar projects within the City of Hamilton, which suggest that when parking has been provided at the rate required as per the Zoning By-law, it is usually under utilized.

The Traffic Department has reviewed the application and other similar projects within the City, and had originally advised that the sample size was insufficient upon which to draw any conclusions with respect to parking calculation for this proposal. However, upon further review of the available information, as well as reviewing a similar project in Hamilton, the Traffic Department has advised, via a letter to the Ward Alderman, that the parking proposed would be



sufficient (see Appendix "D"). The Traffic Department has also suggested that if the applicant has the ability to restrict tenants of the project, they would have the power to ensure that the proposed 12 parking spaces would be sufficient.

Given the nature of the project (i.e. - 72% of the units geared towards the physically disabled - visually and/or hearing impaired, and paraplegic, and 28% of the units for seniors), the reduction in parking is supportable.

The parking spaces will have a 1.0 m raised overhang within the 6.0 m parking space length whereas the by-law requires the entire 6.0 m length to be level. This variance will facilitate an integrated parking stall design, eliminating the need for a separate bumper/curb stop. Since the variance is site specific and design related, it is considered to be minor in nature.

The boundary of the parking area and the access driveway will be 0.0 m from the westerly property line whereas the by-law requires a 1.5 m and 3.0 m minimum distance separation, respectively. These variances are necessary to provide a two-way access, and ultimately a greater distance separation between the proposed building and the adjacent single-family residence. However, it should be noted that a 1.8 m to 2.0 m visual barrier (i.e. wood fence) will be required along the westerly lot line, abutting the residential district.

The preliminary site plan does not provide for a loading space whereas the development requires one small loading space. It is the applicant's intention to have infrequent loading and unloading at curb side in front of the church. It is anticipated that smaller delivery and moving vans will access the building by-way-of the parking area provided at the rear of the building.

The Traffic Department has verbally advised that on-street parking is presently not permitted in front of the church. Thus, should this area be designated as a loading zone, it would not reduce the amount of on street parking presently available in the area.

The above-mentioned variances related to parking and loading are considered to be minor in nature and can be supported.

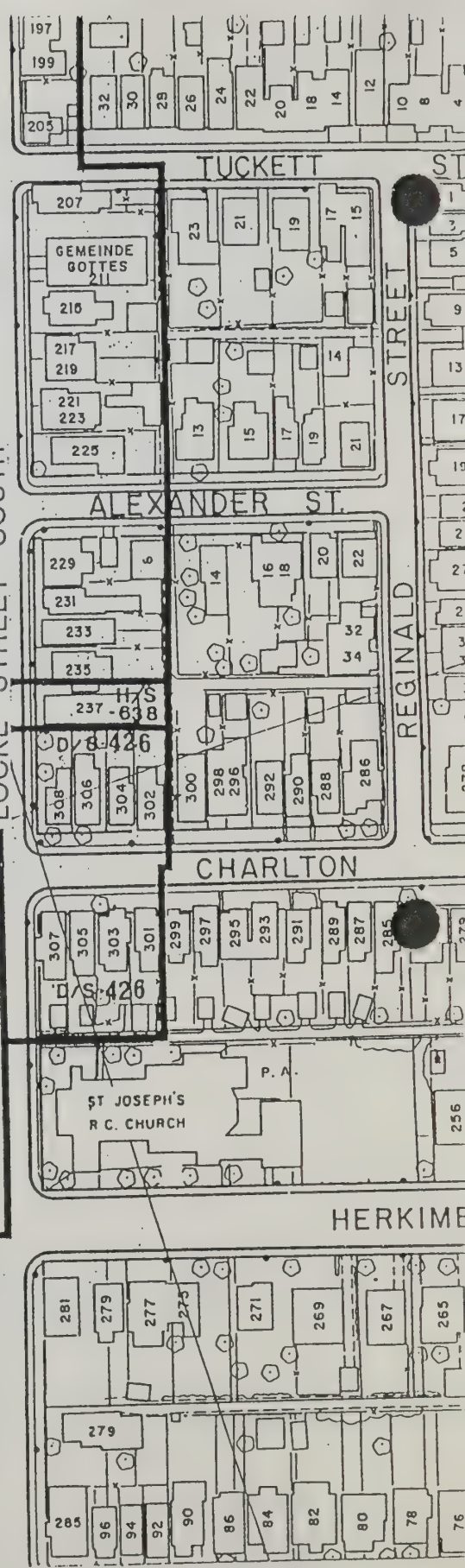
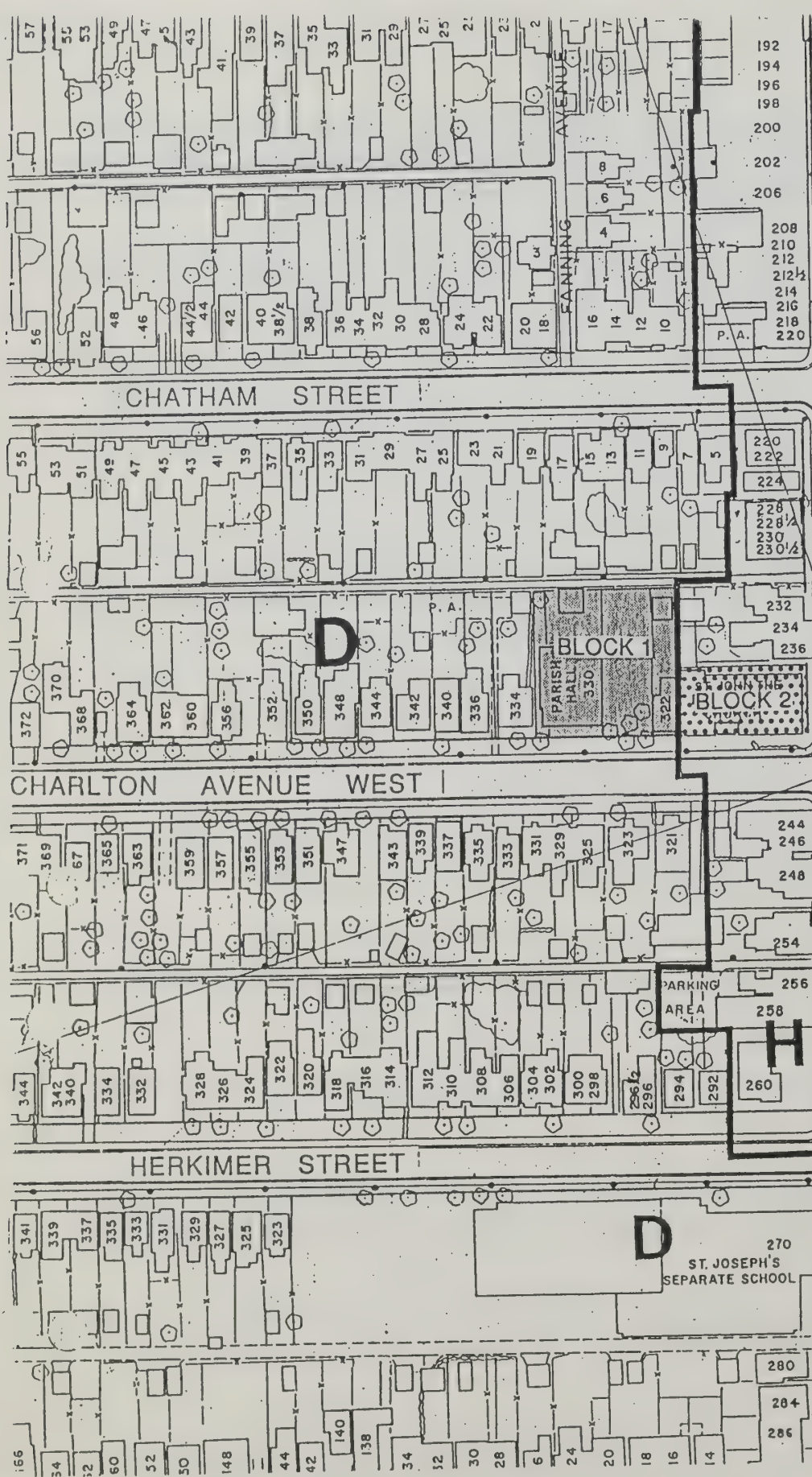
- 4) The "E-2" (Multiple Dwellings) District is subject to Site Plan Control By-law 79-275 as amended by By-law No. 87-233. In this regard, concerns related to building design, landscaping, parking arrangement, access, and encroachments will be addressed at that stage of development.
- 5) The applicant should be advised that an application to the Planning and Development Committee will be required for demolition approval of the existing building.

### **CONCLUSION:**

Based on the foregoing, the proposal can be supported.

JL/ma  
WPZA9178





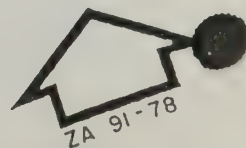
# Legend



Proposed change in zoning from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "E-2" (Multiple Dwellings) District, Modified.



Modification to the "H" (Community Shopping and Commercial, etc.) District.



APPENDIX A



# ARTABAN Non-Profit Homes Inc.

320 CHARLTON AVE. W.

HAMILTON, ONT. L8P 2E7

---

12 March 1992

Mr. Paul Mallard  
Planning Department  
City of Hamilton  
City Hall  
Hamilton Ontario

Dear Sir:

Re: Application for Zoning Change  
322-330 Charlton Ave. West

We are pleased to give you our expectation concerning the tenant mix for the proposed facility.

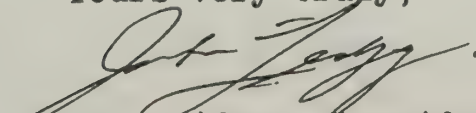
Based on our need and demand studies, requests to be added to our waiting list and consultation with local agencies serving the disabled, we expect that actual occupancy of the 29 available units will be 21 units occupied by disabled tenants and 8 units occupied by seniors.

We have 11 units designed as wheelchair accessible, one of which is a two-bedroom apartment. All the remaining units are one-bedroom except for three two-bedroom units included in the anticipation that some pairs, because of physical or other circumstance, would require separate sleeping accomodation.

We have in hand current agency requests for 5-6 units for sight impaired, 6-7 units for hearing disabled, and 21 units for paraplegics. In addition, we have on hand seniors' accomodation requests at about 300% of our anticipated occupancy of seniors. Of the twenty-one units we expect to be occupied by various disabled tenants, we will be able to accomodate 11 paraplegics and allocate 5 units each to sight and hearing disabled tenants. We expect that the remaining 8 units will be taken up by seniors anxious to move into our facility.

While actual occupancy will be subject to circumstances prevailing when the facility is opened, we are satisfied on the basis of our present information that our expectation of actual occupancy is reliable and realistic.

Yours very truly,

  
John Lidgley, President.

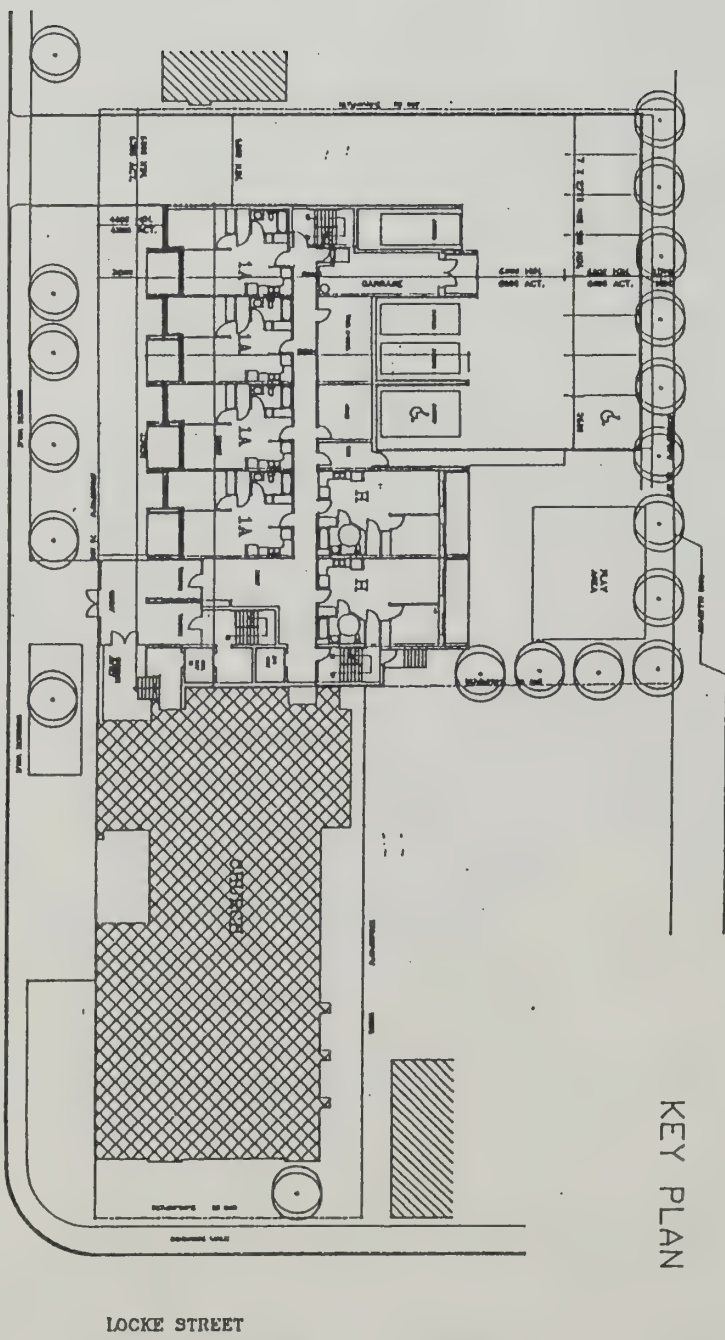
APPENDIX B





SITE PLAN SCALE 1:200

UNITS	
2 BEDROOM	4
1 BEDROOM	15
1 BEDROOM HANDICAPPED	10
TOTAL	29



## KEY PLAN

LOCKE STREET

ARTABAN

HAMILTON, DONT.

### SITE PLAN

[illegible]

## APPENDIX C





# THE CORPORATION OF THE CITY OF HAMILTON

City Hall, 71 Main Street West, Hamilton, Ontario L8N 3T4

## TRAFFIC DEPARTMENT

Fax No. (416) 546-2419

Tel No. (416) 546-4510

TDD: No. (416) 546-2448

1992 April 13

Alderman Mary Kiss  
c/o Aldermen's Offices  
City Hall

Dear Alderman Kiss:

Re: ZA-91-78  
320 - 330 Charlton Avenue West

On 1992 February 27, a meeting regarding this application was held by Alderman Mary Kiss with area residents and staff members. Several traffic related concerns were mentioned at this meeting. We have investigated these concerns and offer the following information.

Several of the area residents were concerned that providing only 12 parking spaces for the proposed 29 unit facility will result in a spillover of parking onto the adjacent streets where there is an existing on-street parking concern.

There are 72 residences on Charlton Avenue between Locke Street and Dundurn Street. Sixty-two homes have on-site parking available for their use. There are only 10 houses that do not have any provision for on-site parking and therefore, must park on the street. The majority of the residences that have on-site parking access their parking areas from the public assumed alleys in the rear of the properties. It was indicated at the meeting that the residents of Charlton Avenue do not like to park at the rear of their properties because of vandalism and theft and prefer to park their vehicles on the street.

Parking on Charlton Avenue West from Locke to Dundurn is regulated by an "Alternate Side Parking" program. Parking is prohibited on the south side from the 16th to the end of each month April to November. North side parking is prohibited December to March and the 1st to 15th of each month April to November. There are approximately 52 on-street parking spaces available on the south side and 40 parking spaces on the north side, regulations permitting.

During February and March of this year, a number of random observations were conducted to determine the magnitude of the on-street parking problem. It was observed that during the daytime approximately 50 percent of the on-street spaces were occupied weekdays. In the evening and on Saturday, the number of occupied spaces range from 28 to 38. It therefore, appears that while parking is available on the street, this parking may not be located where it is most convenient for the individual resident.

APPENDIX D 1



On 1992 April 09, we studied the parking utilization at the March of Dimes Housing Project, Villa Verdi, at 20 Jarvis Street. This project has a total of 57 units composed of 26 March of Dimes units and 31 non-disabled units. The March of Dimes units are rented to persons whose physical conditions range from partially disabled to severally disabled. Such disabilities include cerebral palsy, quadriplegia, arthritis and stroke victims. The 31 non-disabled units are rented to seniors, low income singles, and unassisted disabled persons. The tenant screening process is based on income and needs. There is a two year waiting list for this project.

The parking situation at this project was monitored for several periods between 7:00 a.m. to 8:00 p.m. There are 28 parking spaces available on-site. It was found that the parking lot never reached capacity. The peak periods were in the morning and evening. The maximum number of vehicles parked in the lot was 19. This equates to a maximum parking ratio of 0.33 parking space/unit.

The Charlton Avenue proposal is similar to the March of Dimes project in that of the proposed 29 units, 21 units will be occupied by disabled persons and 8 units will be occupied by seniors. If the ratio of 0.33 parking space/unit is applied to this project, 10 parking spaces would be needed to service this proposal. The applicant is proposing that 12 parking spaces be provided on-site. It therefore appears, based on this single sample, that this project should be able to accommodate its parking demands on-site. As previously stated by our Department, if the applicants have the ability to restrict tenants of the project, either economically or directly, then they would have the power to ensure that the proposed 12 parking spaces would be sufficient.

The volume of traffic generated by the March of Dimes project was also monitored. The peak hour for this project was from 2:00 p.m. to 3:00 p.m. During this period, there were a total number of 39 vehicles entering or exiting the site. Based on this trip generation rate (0.7 trips/unit) it is estimated that the Charlton Avenue proposal will generate approximately 20 vehicle trip ends during the peak hour or in other words, vehicles would enter or exit the site approximately 3 minutes apart. We do not expect this volume of additional traffic to have any significant effect.

It is our understanding that this proposal requires one 3.7 x 9.0 metre loading space. There is no room on the site to accommodate a loading space accessible to trucks. Charlton Avenue is 28 feet wide. On-street loading could occur without interfering with the through traffic of Charlton Avenue. However, restricting the area directly in front of this proposal for loading may result in the loss of some on-street parking spaces depending on the extent of the loading area.

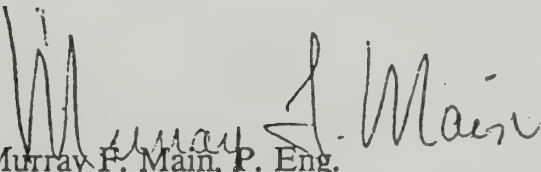
We have investigated the complaint regarding the difficulty of entering Dundurn Street from the east leg of Charlton Avenue. From our site visit it was noted that one hour parking is permitted on Dundurn Street in front of the liquor store. However, vehicles are parking at the curb edge of Charlton and Dundurn. Vehicles are not permitted to park within 20 feet of an unmarked crosswalk. Vehicles parked at the curb edge are in violation of this by-law and are causing a sight obstruction for motorists entering Dundurn Street from Charlton



Avenue. We have initiated a request for the erection of a "No Stopping" restriction in this area. This will provide the proper corner clearance at this intersection, and improve visibility for motorists entering Dundurn Street.

This information will be presented to the area residents at the 1992 April 13 public meeting. Should you have any questions in regard to these comments, please contact Sue Hayward at 546-4575.

Yours truly,



Murray P. Main, P. Eng.  
Director of Traffic Services

RK/SH/ks

c.c. Mr. Paul Mallard, Planning Department







1992 April 16

**PLANNING AND DEVELOPMENT COMMITTEE**

Wednesday, 1992 April 22

**Consent Agenda**

A. Adoption of the Minutes

Minutes of the meeting held 1992 April 8.

B. Building Commissioner

(a) Annual Conference of the Ontario Association of Committees of Adjustment

(b) Demolition of: i) 168 Emerson Avenue  
ii) 473 Upper Sherman Avenue

(c) Commercial Facade Loan Programme - 244 Ottawa Street North, Hamilton

(d) Ontario Home Renewal Programme

(e) Hamilton Emergency Loan Programme

C. Information Reports

(a) City Solicitor -

Recent Administrative Tribunal Update







(b) Commissioner of Planning and Development -

i) Rental Housing Protection Act, 1989

- Status Report on Applications submitted to Date

ii) Approved Site Plan Control Applications







Wednesday, 1992 April 08  
9:00 a.m. O'clock  
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman D. Drury, Chairperson  
Alderman F. Eisenberger, Vice-Chairperson  
Mayor R. Morrow  
Alderman M. Kiss  
Alderman W. McCulloch  
Alderman D. Wilson  
Alderman B. Charters  
Alderman H. Merling  
Alderman F. D'Amico

A.

Also present: Alderman G. Copps  
V. Abraham, Director of Local Planning  
P. Mallard, Development & Urban Design, Planning Department  
J. Hickey-Evans, Manager, Policy Planning & Analysis  
K. Extance, Planning Department  
L. Lanza, Planning Department  
D. Powers, Manager, Development & Real Estate Services  
G. Aston, Director, Programming & Development  
R. Karl, Manager of Planning, Traffic Department  
W. Wong, Manager of Customer Services, Building Department  
T. Agnello, Secretary

1. **Zoning Application 89-94; No. 820 Rymal Road West, Condition of Approval - Broughton Neighbourhood**

- (a) Report: Commissioner of Planning and Development
- (b) Confidential Report: City Solicitor
- (c) Submission - DiCenzo Construction Company Limited

Upon the request of the applicant and Anthony Diczno through correspondence addressed to the Secretary, the Committee agreed to table the matter.

2. **CONSENT AGENDA**

A. **ADOPTION OF THE MINUTES**

The minutes of the meeting of 1992 March 25 were adopted as circulated.

B. **BUILDING COMMISSIONER**

**Demolition of 47 Rosemont Avenue**

As recommended by the Building Commissioner in a report dated 1992 March 30, the Committee recommended to Council as follows:

That the Building Commissioner be authorized to issue a demolition permit for 47 Rosemont Avenue.



**C. DIRECTOR OF PROPERTY****MacNab Street Truck Tunnel - Grant of Easement from the City of Hamilton to Eaton Properties Ltd.**

As recommended by the Director of Property in a report dated 1992 March 24, the Committee recommended to Council as follows:

- (a) That the Corporation of the City of Hamilton enter into an Easement Agreement incorporating the provisions set out in a draft Agreement with Eaton Properties Limited, for the purpose of the City granting to Eatons, an easement to enter onto and use the most northerly portion (333 feet, more or less) of the north-south portion of the MacNab Street Truck Tunnel as a right-of-way for vehicular access only for the purpose of providing access to the shipping and receiving area of the adjacent Eatons Centre and department store. The easement will be enjoyed and used during the balance of the term of the Ground Lease for the Lloyd D. Jackson Square Development, commencing on the execution of this Agreement and expiring on 2069 October 31. The maintenance repair and replacement of the Truck Tunnel shall be shared amongst the users.
- (b) That the Mayor and City Clerk be authorized to execute this Agreement.

**D. ACTING DIRECTOR OF PUBLIC WORKS****A. Concession Street Business Improvement Area (BIA) Proposed 1992 Budget and Schedule of Payments**

As recommended by the Acting Director of Public Works in a report dated 1992 March 25, the Committee recommended to Council as follows:

- (a) That the 1992 operating budget of the Concession Street B.I.A. be approved in the amount of eight thousand, four hundred and twenty-five dollars (\$8,425); and,
- (b) That the City Solicitor be hereby authorized and directed to prepare the requisite by-law pursuant to Section 220 of the Municipal Act, R.S.O. 1991, to levy the 1992 Budget as reference (a) above for presentation to City Council; and,
- (c) That the Schedule of Payments for 1992 be as follows:

April	\$4,225.00
October	\$4,200.00

NOTE: Levy arrears will be deducted from both payments for 1992.



**B. Third Annual Public Service Announcement Competition; Phase IV of the Downtown Action Plan**

- (a) That in accordance with the Downtown Action Plan, Phase IV Sanitation Study Recommendations, adopted by City Council on 1988 November 29, the Third Annual Public Service Announcement Competition first and second prizes be awarded to:

1st Place: Nancy Olah for "Letters"

2nd Place: Corinne Lye for "Basket"

- (b) That funds be provided from Phase IV of the Downtown Action Plan for first prize at seven hundred dollars (\$700), second prize at five hundred dollars (\$500) and a donation to Mohawk College Media Studies Department of seven hundred dollars (\$700) for development of the videos and use of equipment.

**C. Fourth Annual Business Development Seminar**

As recommended by the Director of Public Works in a report dated 1992 April 1, the Committee recommended to Council as follows:

That the Fourth Annual Business Development Seminar be held in partnership with the Regional Municipality of Hamilton-Wentworth, Economic Development Department on 1992 October 20 at the Royal Connaught Hotel at a total estimated cost to the City of Hamilton of \$5,000. Funds are available within Phase IV of the Downtown Action Plan Account Number CF 5262 428803006.

**E. SENIOR DIRECTOR, ROADS DEPARTMENT**

**A. Claudette Gardens - Phase 2, Hamilton, Edan Heights - (Cash in lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department in a report dated 1992 March 30, the Committee recommended to Council as follows:

- (a) That the City of Hamilton accept the sum of \$6,070 as cash payment in lieu of the 5% land dedication in connection with "Claudette Gardens - Phase 2", Hamilton, located west of Garth Street and north of Rymal Road West in the Falkirk East Neighbourhood, being the cash payment required under Section 50 of the Planning Act.
- (b) That the City of Hamilton accept the sum of \$30,000 as cash payment in lieu of the 5% land dedication in connection with Edan Heights - Phase 2, Hamilton, located west of Upper Sherman Avenue and south of Stone Church Road East in the Butler Neighbourhood, being the cash payment required under Section 50 of the Planning Act.



**B. The Gardens of Rymal - Phase 2, Hamilton (Cash Payment in lieu of 5% Parkland Dedication)**

As recommended by the Senior Director, Roads Department in a report dated 1992 March 11, the Committee recommended to Council as follows:

That the City accept the sum of \$15,170 as cash payment in lieu of the 5% land dedication in connection with The Gardens of Rymal - Phase 2, Hamilton, located south of Rymal Road East on the east side of Upper Wentworth Street in Chappel East Neighbourhood, being the cash payment required under Section 50 of the Planning Act.

**The meeting recessed and reconvened at 9:30 a.m.**

**3. Lot Grading within Gurnett Estates - Phase 3, Plan 62M-492**

A revised copy of the report dated 1992 April 6 was distributed to members of the Committee.

There was no delegation present to speak on the matter.

As recommended by the Senior Director, Roads Department in a report dated 1992 April 6, the Committee recommended to Council as follows:

That, provided the Law Department has received signed copies of a Lot Grading Settlement Agreement between Karl and Florence Veritis, Gurnland Development Inc., Glenbury Developments, and The Corporation of the City of Hamilton, and a grading release letter from the homeowners of Lot 19 of the subdivision, the City Treasurer be authorized and directed to reduce the security deposit currently being held for Gurnett Estates - Phase 3 and release the subdivider of same for lot grading obligations under the City Subdivision Agreement.

**4. ACTING DIRECTOR OF PUBLIC WORKS**

**Crown Point West Stipeley Phase II P.R.I.D.E. - Programme; Glendale Spinning Mills**

As recommended by the Acting Director of Public Works in a report dated 1992 April 2, the Committee recommended to Council as follows:

- (a) That funds be allocated from the Crown Point West/Stipeley Phase II P.R.I.D.E. Programme at a total estimated cost of seventy thousand dollars (\$70,000), 50% Provincial and 50% Municipal for the purpose of shifting truck traffic away from Primrose Avenue and on Barton Street on the north by relocating CP Rail's tracks and installing a hard surface for truck access as per Appendix "A" attached; and,
- (b) That the Director of the Property Department be authorized to negotiate a 10 year lease with CP Rail for the use of the portion of the CP Right-of-Way to provide this access road around Glendale Spinning Mills to enable trucks to enter Glendale lands from the north to reach their loading facilities on the south and to submit such lease terms to City Council for approval; and,
- (c) That the Law Department be authorized to apply for OMB approval of the ten-year lease because of the applicable ongoing annual costs payable to CP Rail that will not be covered under the P.R.I.D.E. Programme.

**The meeting recessed and reconvened at 10:30 a.m.**



ZONING APPLICATIONS

5. **Zoning Application 91-75, Lily Trieu, owner, for a modification to the established "D" District regulations for property located at No. 22 Greig Street; Strathcona Neighbourhood**

Correspondence was received by the following:

- Mrs. C. Galasso, 263 Barton Street West, Hamilton, L8R 2H7
- Mr. & Mrs. William Hertel, 26 Greig Street, Hamilton, L8R 2W7

Paul Mallard advised that after 1981 home occupations were deleted from the zoning by-law as a use, some home occupations have since been approved with restrictions. This applications is dependent on "walk in" business. Of 202 notices circulated, 10 replied in favour, 6 opposed.

Mr. & Mrs. Trieu were present in support of the application.

Mrs. Galasso of 263 Barton Street West was present. She was concerned about parking problems and gave examples of problems with BRINKS which was previously located in the area.

Mr. Trieu advised that the business will be part time only and will rely on the neighbourhood business.

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 31, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-75, Lily Trieu, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings) District, to permit a hairdressing business as a "Home Occupation" use within a portion of a dwelling located at 22 Greig Street, as shown on the attached map marked as Appendix "B", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings) District regulations as set out under Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
  - (i) That notwithstanding the provisions of Section 2(2)(H)(iii)(f) and (h) of By-law No. 6593, hairdressing shall be permitted as a home occupation on the basis that it is:
    - (1) carried on by not more than one hairdresser having a principal and permanent place of residence on the premises; and,
    - (2) provides for not more than one comb-out centre and one hair styling sink.
  - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1268, and that the subject lands on Zoning District Map W-11 be notated S-1268;
  - (iii) That the City Solicitor be direct to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map W-11 for presentation to City Council; and,
  - (iv) That the proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.



6. **Amended Zoning Application 91-81 and Draft Plan of Subdivision 25T-90018, Joyce M. Carnicelli and Carriage Gate Homes Ltd., owners, for changes in zoning from "AA" to "R-4" for Block "1" and from "C" to "R-4" for Blocks "2" and "3" for lands located in the area west of Upper Sherman Avenue and south of Stone Church Road East; Butler Neighbourhood**

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 27, the Committee recommended to Council as follows:

That approval be given to Zoning Application 91-81, Joyce Maria Carnicelli and Carriage Gate Homes Ltd., owner, requesting a change in zoning from "AA" (Agricultural) District, to "R-4" (Small Lot Single Family Detached) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single Family Detached) District (Blocks "2" and "3"), to permit small lot single family detached dwellings, for the property located west of Upper Sherman Avenue and south of Stone Church Road East, shown as Block "1", "2" and "3" on the attached map marked as Appendix "C", on the following basis:

- (a) That Block "1" be re-zoned from "AA" (Agricultural) District, to "R-4" (Small Lot Single-Family Detached) District;
- (b) That Blocks "2" and "3" be re-zoned from "C" (Urban Protected Residential, etc.) District, to "R-4" (Small Lot Single-Family Detached) District;
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-27C for presentation to City Council;
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

7. **OTHER BUSINESS**

7.1 **Home Occupation Use**

Alderman Merling requested and the Committee concurred that Planning staff be directed to prepare a report on Home Occupation as a use in the zoning by-law.

7.2 **M District Meeting**

Alderman Charters advised that he will be organizing the place and time of the M District meeting which he prefers to hold at 3:00 p.m. in the afternoon.

8. **Zoning Application 91-57, Peter Gerogakopoulos, owner, for a further modification to the "M-12" District regulations for property located at No. 1050 Rymal Road East; West Hannon Neighbourhood**

The Committee was in receipt of a report from the Commissioner of Planning and Development dated 1992 April 2.

Correspondence was received by Janice Lattin, Trans Canada Pipelines, 111 Fifth Avenue, Calgary, Alberta, T2P 4K5.

Peter Gerogakopoulos was present in support of his application.

Paul Mallard explained that the application is to allow a restaurant and catering facility in an area previously zoned for a barbershop. He advised that approval to add a restaurant is premature pending the outcome of the M District study. The applicant can provide only 60 parking spaces for catering only; whereas 116 are required for the entire facility.



Alderman Merling cited an example of a restaurant and banquet facility requiring 500 separately but jointly having only spaces.

In response from a quest from Alderman Eisenberger, Paul Mallard stated that there are presently several restaurants located in the area.

Alderman Wilson was concerned over potential parking problems.

After brief discussion, the Committee moved that the application be tabled to permit Planning staff to meet with the applicant and the ward aldermen in an attempt to resolve the parking issue and that a report be brought back to the Planning and Development Committee.

9. **Zoning Application 91-86, Josip Kozar, owner, for a further modification to the "H" District regulations for property located at No. 1605 Main Street East; Homeside Neighbourhood**

The Committee was in receipt of correspondence from Karen Fraser, CN Rail, 277 Front Street West, Toronto, Ontario, M5V 2X7.

Paul Mallard advised that the application is for expansion of a residential care facility from 24 to 30 units. He advised that a previous application was brought forward for an expansion to 30 units and 24 were granted. The Planning Department recommends denial. Of 105 notices circulated, 12 responded in favour and 13 were opposed.

Ms. Kozar was present on behalf of the applicant. She provided a brief history of zoning applications pertaining to the property in question and suggested that the applications are now necessary only because a youth offenders facility was permitted to submit an application for a building permit prior to the residential care facility. She advised that the lodging facility is doing a good job and urged the Committee to approve the application.

Alderman Wilson advised that the maximum allowable units in the by-law is 20 and that Health and Social Service permits a maximum of 24.

As recommended by the Commissioner of Planning and Development in a report dated 1992 March 26, the Committee recommended to Council as follows:

That Zoning Application 91-86, J. Kozar, owner requesting a further modification to the "H" (Community Shopping and Commercial, etc.) District regulations, to increase the capacity of the existing residential care facility from 24 to 30 residents, for property located at 1605 Main Street East, as shown on the attached map marked as Appendix "D", be denied, for the following reasons:

- (a) One of the prime goals of the Residential Care Facilities By-law is to provide the residents of such facilities with an opportunity to live in an environment that closely approximates a family situation. For this reason, the Residential Care Facilities By-law sets specific capacity limits in each zoning district to protect the residential nature of such facilities. The proposal for a further increase in the capacity by six residents (24 to 30) or 25%, represents a departure from this philosophy and exceeds the permitted capacity of the general "H" District provisions by 50% (30 vs 20);
- (b) The proposal to increase the capacity from 24 to 30 residents conflicts with City Council's policy (By-law 91-61), adopted April 9, 1991 to restrict the capacity of this residential care facility to a maximum of 24 residents, instead of 30 residents requested;
- (c) Approval of the application would encourage other similar applications which, if approved, would undermine the intent and philosophy of the by-law.



10. (a) **Recommendations of the 1992 City of Hamilton Municipal Housing Statement Update**

Keith Extance was present to give a brief history of events leading to the drafting of the document. He advised that a public participation process has been held including various community based advocacy groups. He advised that the housing types in the "affordable" range are great and that approximately 40% of Hamilton's housing is presently affordable. This far exceeds the 25% affordable housing requirement of the Province.

(b) **Streamlining the Planning Process - Implementation of Provincial Policy and Statement Land Use Planning for Housing**

Joanne Hickey-Evans provided the Committee with information regarding previous steps that the City has taken to streamline the Planning process.

David Beland of 182 St. Clair Boulevard was in support of the report.

Joseph Finnochio of 134 James Street South was also present. He is not in favour of the Housing project at Kenilworth and King Streets.

Lynda Morris of the Urban Safety Committee suggested that safety issues should be addressed in the Housing Statement Update.

Chuck Renault of Glad Avenue questioned Provincial support for the use of basements and attics as housing units. He suggested Neighbourhood Associations be part of the streamlining process.

Shelly Rempel of 90 Elmhill Boulevard in Ancaster was present to speak for the homeless. She thanked the staff for their report and Committee for its support.

Lois Brown of 206 Maplewood Avenue stated that the 152 unit non-profit housing project proposed for ward 3 is not compatible with existing single family dwellings in the area.

Alderman Kiss suggested that the issue of Urban Safety be incorporated into the Housing Statement. Committee Sub-section xiii will be added to the report respecting safety concerns.

With regard to the question of basement units, Victor Abraham advised that the possibility exists to allow accessory units to be used at a level 50% above grade.

In response to a questions per Alderman Drury, Victor Abraham explained that areas for Non-profit Housing cannot be established because it would be discriminatory.

Alderman Drury noted that recommendation 16 deals with provincial surplus of land to be potentially used for social housing.

Regarding recommendation 17, the Chairperson was concerned that existing high rise apartments are being vacated and torn down.

Victor Abraham stated that the Housing Policy Study ensures that the City has sufficient supply of land to develop for all types of having particularly low income.

Alderman Kiss suggested that neighbourhood groups be notified of any changes in the Streamlining of the Planning Process.



As recommended by the Committee of Planning and Development in a report dated 1992 March 13, the Committee recommended to Council as follows:

- (a) That the recommendation contained in the document Executive Summary - 1992 City of Hamilton Municipal Housing Statement Update as amended; and
- (b) That the Clerk be directed to forward the 1992 City of Hamilton Municipal Housing Statement Update to the Regional Municipality of Hamilton-Wentworth for endorsement; and
- (c) That the Minister of Municipal Affairs and the Minister of Housing be advised of City Council's adoption of the recommendations in the 1992 City of Hamilton Municipal Housing Statement Update and be requested to approve the document and forward outstanding grant monies.

The Committee recommended to Council the recommendation of the Committee of Planning and Development in a report dated 1992 March 31, as amended, as follows:

- (a) That the Hamilton Official Plan be amended by adding the following new clause to Subsection C.7 - Residential Environment and Housing Policy:

C.7.8 "Council recognizes the effective functioning of the planning approvals process as an important component to reduce housing cost. Accordingly, Council will, on a bi-annual basis, review the various development application processes in consultation with interested agencies and association to identify potential constraints and undertake appropriate actions to ensure the identified constraints are addressed";
  - (b) That Policy D.9.1 (iii) of Subsection D.9 - Notification and Public Participation Procedure of the Hamilton Official Plan be amended by deleting "30" and replacing it with "17"; and,
  - (c) That the Ministry of Municipal Affairs be advised that appropriate measures should be undertaken to reduce the time frame in which Provincial Ministries (e.g., Ministry of the Environment and Ministry of Natural Resources) respond to planning applications; and further that the Ontario Municipal Board reduce the amount of time that elapses between referral of an issue to the Board and the actual hearing date.
- (c) **Proposed Amendment to the Official Plan - Provincial Policy Statement Land Use Planning for Housing.**

The Committee was in receipt of a report from the Committee of Planning and Development regarding Proposed Amendment to the Official Plan - Provincial Policy Statement Land Use Planning for Housing. As recommended by the Committee of Planning and Development in a report dated 1992 March 31, the Committee recommended to Council as follows:

That approval be given to Official Plan Amendment No. 109 to make text changes to Subsection C.7 - Residential Environment and Housing Policy and Subsection D.9 - Notification and Public Participation Procedure of the Hamilton Official Plan to fulfil the requirements of the Provincial Policy Statement Land Use Planning for Housing, and the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth.



11. Adjournment

There being no further business the Committee Meeting adjourned.



TAKEN AS READ APPROVED,

ALDERMAN DON DRURY, CHAIRMAN  
PLANNING AND DEVELOPMENT COMMITTEE



A hand-drawn map of the Glendale Mills area in Los Angeles. The map is oriented with North at the top. Key streets shown include Cannon Street East at the top, Belmont Avenue running vertically on the left, and Bartow St at the bottom. A diagonal street, Primrose Ave, runs from the top right towards the center. To the right of the map, a vertical line represents the city boundary with an arrow pointing right and the label 'GLENDALE AVE N'. The central feature is a large, irregularly shaped industrial site labeled 'Glendale Spinning Mills'. Within this site, there is a circular area labeled 'WATER LOADING YARD'. To the left of the mill site, there are several rectangular buildings, one of which is labeled 'Beltway Avenue'. A scale bar in the top left corner indicates a distance of 1/4 mile. Arrows indicate the direction of travel along the streets and the location of the mill site.



 		NAME: ANDREW <input type="checkbox"/> LONDON <input type="checkbox"/> ADVERTS. LTD.
STEWART/CONDON PO BOX 10071 PALM B. LOS ANGELES, CALIF. 90010		LONDON: PAUL PHILLIPS
DATE: 12/10/81 TIME: 11:00 AM	DATE: 12/10/81 TIME: 11:00 AM	DATE: 12/10/81 TIME: 11:00 AM



and Development Committee  
Minutes for 1992 April 8

RETAINING WALL  
PARKING AREA  
K

BARTON STREET WEST

279 277 227  
215 213 211 207 203 199 195 191 187 185 183 179 177 175 171 169 167 163 161 159 157 155 153 151

NORTH  
RAY STREET

271 265 263 97 95 93 91 89 87 85 83 81 79 77 75 73 71 67 65 63 61 59 57 55 53 51 49 47 45 43 41 39 37 35

222 216 214 210 208 206 204 202 198 196 194 190 188 186 182 180 178 176 174 172 170 168 166 164 162 160 158 156 152

OXFORD STREET

100 2 6 8 10 12 14 16 18 20 22 24 26 28 30 34 38 40 44 46 50 52 54 56 48

PARKING AREA  
D

235 237 235 233 231 229 227 225 223 221 219 203 201 197 195 193 191 189 187 185 183 181 49


GREIG STREET

234-236  
GAS P. A.  
208  
PARKING AREA  
200  
198  
194  
E/S  
1208  
188 186 184  
PATTERSON ST.  
182 180 178 176 174 172 170 168 166 164 162 160  
CLARENCE ST.

QUEEN STREET NORTH

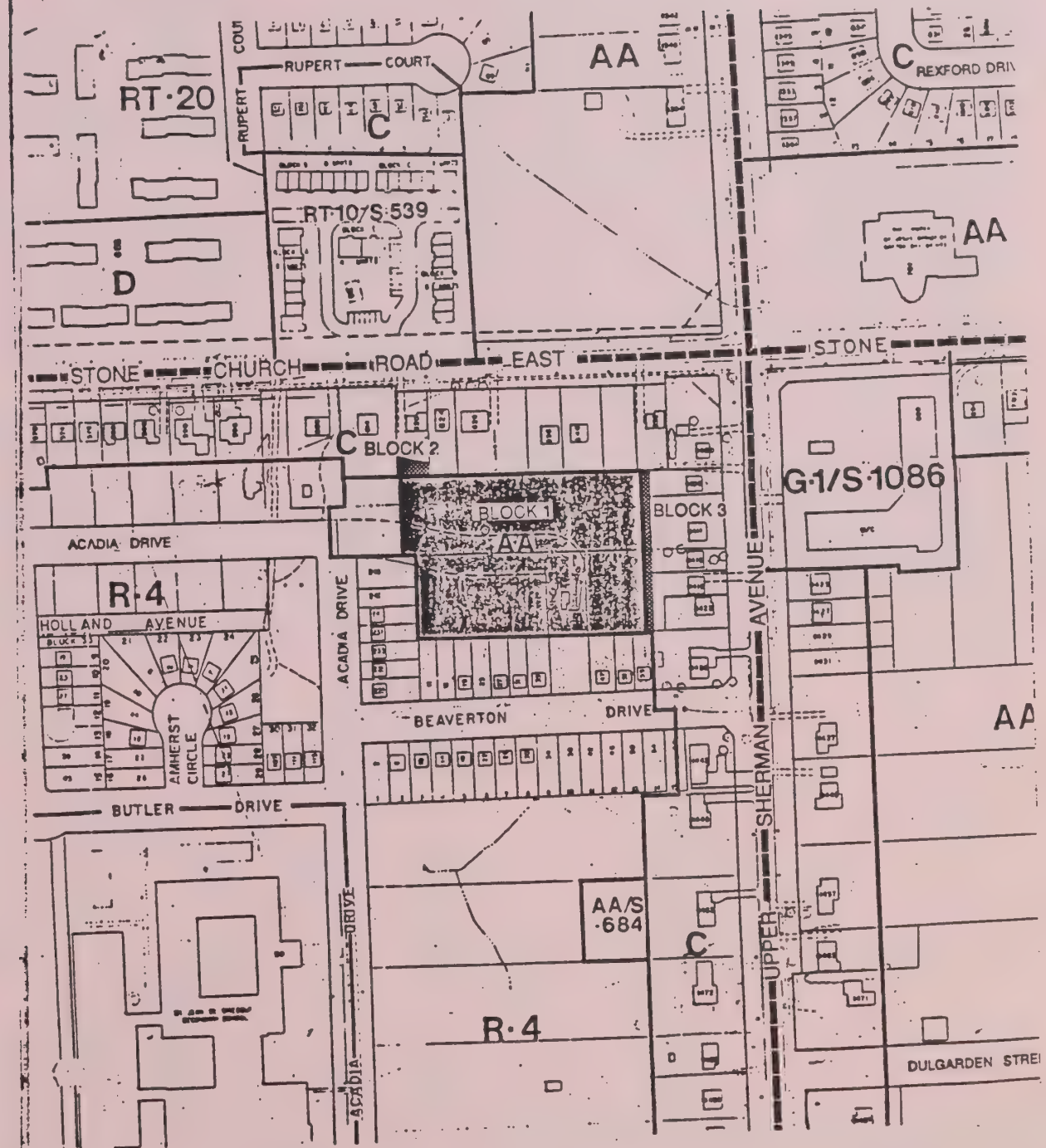
LITTLE GREIG ST.  
40 TOWER 'B'  
197

Legend





Appendix "C" referred to  
in Section 6 of the Planning  
and Development Committee  
Minutes for 1992 April 8



**Legend**

Proposed changes in zoning from:



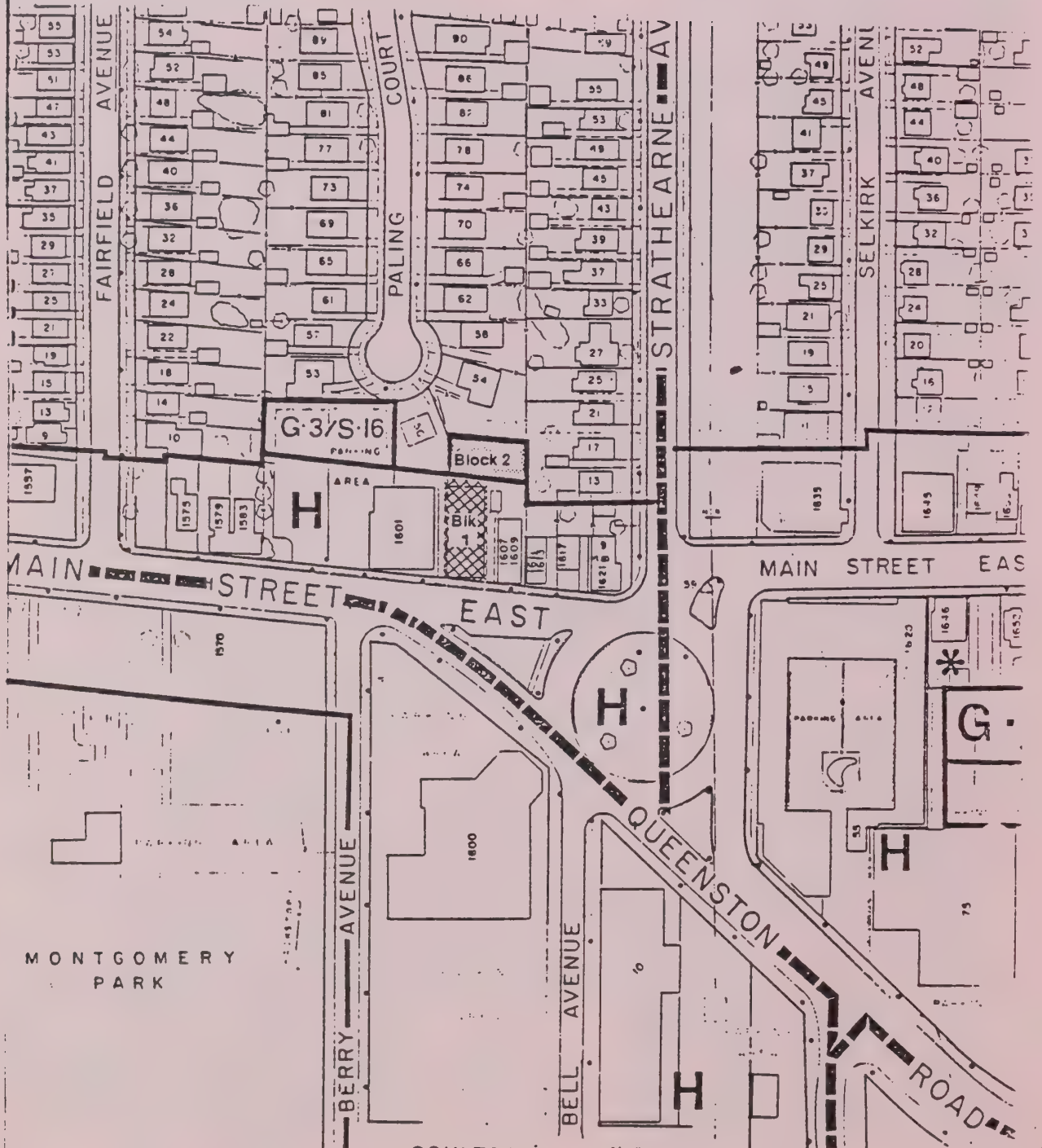
\*AA\* (Agricultural) District to \*R-4\* (Small Lot - Single Family Detached) District.



\*C\* (Urban Protected Residential, etc.) District to \*R-4\* (Small Lot - Single Family Detached) District.







Legend



Site of the Application



Site of other Residential Care Facility





APR 6 1992

**CITY OF HAMILTON  
- RECOMMENDATION -**

Ba)

**DATE:** 1992 April 2

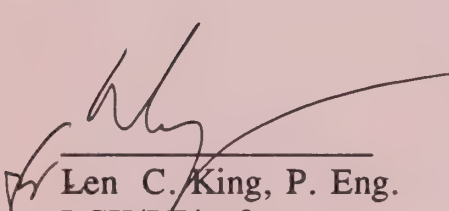
**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. C. King, P. Eng.  
Building Commissioner

**SUBJECT:** 1991 Annual Conference of the Ontario Association of  
Committees of Adjustment

**RECOMMENDATION:**

That the Chairman of the Committee of Adjustment, or his nominee, be authorized to attend the 1992 Annual Conference of the Ontario Association of Committees of Adjustment and consent Authorities to be held for three days, 1992 May 31 - June 3 in Windsor, Ontario, at an expense not exceeding \$900.00 to be charged to Account No. CH55201-10010, Legislative Travelling.

  
\_\_\_\_\_  
Len C. King, P. Eng.  
LCK/PF/ggf  
*DF*

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

The above-noted Conference is an educational conference of mutual benefit to all members across the province. The past conferences were attended by two members of the Committee of Adjustment.







**CITY OF HAMILTON**

APR 13 1992

Bb i)

**- RECOMMENDATION -**

**DATE:** 1992 April 13

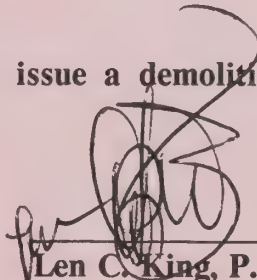
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
168 Emerson Avenue - Tag Number 86224

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 168 Emerson Avenue.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "C/S-720" (Urban Protected Residential) Modified

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Single Family Dwelling

**BRIEF DESCRIPTION:** One storey wood frame aluminum sided dwelling in fair condition

It is the intention of the owner to demolish the existing single family dwelling and propose a single family dwelling. The owner has submitted an application for a new single family dwelling with the Building Department. Lot size 50.00' x 90.00'

The owner of the property as per the demolition permit application is:

894223 Ontario Ltd.  
103 Cheever Street  
Hamilton, Ontario L8L 5R8  
Attention: Eamonn McEnaney







**- RECOMMENDATION -**

Bbii

**DATE:** 1992 April 13

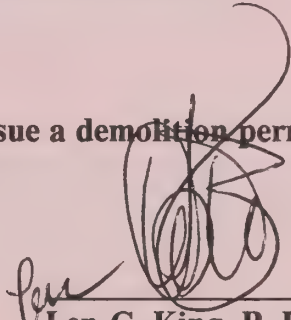
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. Len C. King, P. Eng.  
Building Commissioner

**SUBJECT:** Demolition of:  
473 Upper Sherman Avenue - Tag Number 86205

**RECOMMENDATION:**

That the Building Commissioner be authorized to issue a demolition permit for 473 Upper Sherman Avenue.

  
\_\_\_\_\_  
Len C. King, P. Eng.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:** N/A

**BACKGROUND:**

**PRESENT ZONING:** "G" (Neighbourhood Shopping Centre, etc.)

**PRESENT USE:** Single Family Dwelling

**PROPOSED USE:** Parking

**BRIEF DESCRIPTION:** Two storey wood frame aluminum sided dwelling in good condition

It is the intention of the owner to demolish the existing single family dwelling and propose the land to be used for a parking lot for the staff employees at Avestel Credit Union located at 688 Queensdale Avenue East (northeast corner). Lot Size 79.81' x 100.08'

The owner of the property as per the demolition permit application is:

Avestel Credit Union  
688 Queensdale Avenue East  
Hamilton, Ontario L8V 1M1  
Attention: Mrs. Thur  
Telephone: 387-0770







Bc)

# CITY OF HAMILTON

## **- RECOMMENDATION -**

4-10-92

**DATE:** 1992 April 10

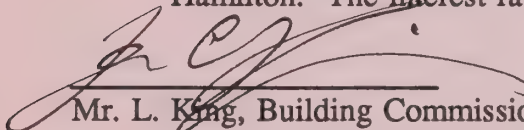
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

**SUBJECT:** Commercial Facade Loan Programme  
224 Ottawa Street North, Hamilton

**RECOMMENDATION:**

That a Commercial Facade Loan in the amount of nine thousand, three hundred and seventy dollars (\$9,370.) be approved for Steve Culibrk, 224 Ottawa Street North, Hamilton. The interest rate will be 4 1/8 percent, amortized over 10 years.

  
Mr. L. King, Building Commissioner

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

### **BACKGROUND:**

The owner of 224 Ottawa Street North has applied for assistance under the City of Hamilton's Commercial Facade Loan Programme. As per the terms of the Programme, the Building Department has inspected the property under the Property Standards By-law 74-74, and the necessary repairs have been included in the cost of repairs.

The Ottawa Street Business Improvement Area (B.I.A.) has reviewed the plans and approved the work which is to be undertaken by the owner.

The Building Department therefore recommends the approval of a Commercial Facade Loan to Steve Culibrk for improvements to 224 Ottawa Street North in the amount of \$9,370. The loan will be amortized over a 10 year period at 4 1/8 percent interest. The monthly payments will be \$94.26 and will be secured by a Promissory Note and a lien registered on title.

c.c. R. Camani, Treasury Department



# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 April 16

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

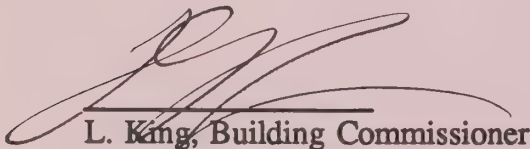
**SUBJECT:** Ontario Home Renewal Programme (O.H.R.P.)

### **RECOMMENDATION:**

That the Director of Community Development be authorized to process the following grant/loan(s) for:

- |  |  |
|--|--|
| (a) David & Janet Robertson<br>1077 Central Avenue | (b) Robert & Dorothy Franks<br>251 Hunter St. W. |
|--|--|

in the amounts not to exceed \$7,500. The actual amount of grant or loan to be determined by inspection of the property under the Property Standards By-law 74-74 and pursuant to Regulation 506 (R.R.O. 1980) under The Housing Development Act for the Ontario Home Renewal Programme.



L. King, Building Commissioner

### **FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

### **BACKGROUND:**

The applications listed below are currently being processed for a grant and/or loan pursuant to an amendment to The Housing Development Act, Regulation 506 (R.R.O. 1980).

For the information of the members of the Committee, the total number of applications to date under the Ontario Home Renewal Programme is three thousand, eight hundred and fifty-nine (3,859).

c.c. R. Camani, Treasury Department



**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 16 1992

**DATE:** 1992 April 16

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. L. King, P. Eng.  
Building Commissioner

**SUBJECT:** Hamilton Emergency Loan Programme (H.E.L.P.)

**RECOMMENDATION:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one hundred and sixty (\$160.) be approved for Doreen Ondriska, 122 Wexford Avenue North, Hamilton. The interest rate will be 8 percent amortized over 1 year; and,

That because of the small amount involved, the normal policy of Registering a Lien on Title is not recommended and the sole security will be the Promissory Note.



Mr. L. King, Building Commissioner

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Programme in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programmes. A maximum loan of \$2,000. could be approved providing the emergency repair fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured initially by a Promissory Note and later by a Lien registered on Title. Formal approval would be obtained upon completion.



**Mrs. D. Ondriska**

**continued.....**

The Building Department, Loans Division, recently finalized an Emergency Loan for Mrs. D. Ondriska, 122 Wexford Avenue in the amount of \$160. The plumbing problem has been addressed, and the Department recommends approval and authorization to request the Law Department to register a Lien on Title in the amount of \$160. at 8% interest and amortized over one (1) year.

c.c. R. Camani, Treasury Department

c.c. D. Powers, Law Department



Ca)

APR 10 1992

**CITY OF HAMILTON**  
**- INFORMATION -**

**DATE:** 1992 April 9

**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** P. Noé Johnson  
City Solicitor

**SUBJECT:** Recent Administrative Tribunal Update

**DISCUSSION:** The following is a synopsis of representations by the Law Department before the various Administrative Tribunals:

(1) OMB - Minor Variance Appeal from Committee of Adjustment Decision: 528 James Street North and 21 Macauley Street East

These appeals were heard in December 1991 with a decision having been given March 18, 1992. The Board upheld the Committee of Adjustment decision to deny the requested variances. Both of the properties in these cases involved single family townhouse dwellings that had been built to allow the upper floors and basements to be used as separate dwelling units. The application to the City was for single family.

The property owners attempted to legalize their illegal units by means of the Committee of Adjustment and have unsuccessfully appealed the Committee of Adjustment's decision to the Ontario Municipal Board.

(2) NEC - Hearing Commissioners on the NEC 5 Year Review

As one of the Hearing Officers has recently become ill, final arguments concerning the Niagara Escarpment Commission 5 Year Review will be submitted in writing by April 15, 1992.

(3) Consolidated Board Hearing: Lapp Property, 100 Beddoe Drive

A joint Board made up of a member of the Ontario Municipal Board and a member of the Environmental Assessment Board granted the City's request to adjourn the commencement of the Lapp hearing February 24, 1992, due to last minute amendments to



the development by the applicant.

The adjournment was supported by the Ministry of the Environment, Niagara Escarpment Commission, Canadian Pacific Railway and concerned resident group. The Board after granting the adjournment held a pre-hearing conference with the parties to ensure that a similar situation would not occur in the future and that there would be a fair and adequate disclosure of information prior to June 15, 1992, when the hearing reconvenes.

(4) OMB - Zoning By-law 91-104: 70 West Avenue South

The OMB heard an appeal from the City's Zoning By-law 91-104 on a proposed residential care facility. The hearing took place March 24 and 25, 1992. The Board gave an oral decision March 25, 1992, which upheld the City's by-law noting that radial separation distances are crude planning tools at best. The Board went on to hold that the 180 metre radial separation between residential care facilities should not apply in regard to this specific proposal. A written decision on this matter is expected to be forthcoming in the near future.

(5) OMB - Minor Variance Appeal from Committee of Adjustment Decision: 1621 King Street East

On March 16, 1992, the Ontario Municipal Board heard an appeal from the decision of the Committee of Adjustment denying an application for three variances (lot size, unit size and on-site parking requirements) to legalize a duplex use in a "C" zoning area. The City presented evidence through witnesses from both the Planning and Building Departments. The Board reserved its decision, receipt of which is awaited.

(6) OMB - Minor Variance Appeal from Committee of Adjustment Decision: 154 Hess Street South

This matter, set to be heard March 19, 1992, has been adjourned on the request of the Applicant; a new date will be set by the Ontario Municipal Board as soon as possible.

(7) OMB - Minor Variance Appeal from Committee of Adjustment Decision: 52 Burris Street

This matter was adjourned sine die when the Applicant stated that he would no longer seek variances to allow a triplex use and instead would apply for a duplex. The two member panel remains seized of the matter because an application for duplex also requires variances. A written memorandum setting out their directions will be issued by the Board.



(8) OMB - Minor Variance Appeal from Committee of Adjustment Decision: 148 Holton Avenue South

This application for 3 variances to allow a duplex conversion was heard March 30, 1992, before Chairman Crossland. Planning Department evidence was presented opposing the application. Written reasons and a decision are forthcoming.

(9) OMB - Minor Variance Appeals from Committee of Adjustment Decisions

Two other hearings which the City was not a party to (one Monday afternoon, March 30, 1992, and one March 31, 1992) were held. The Chairman, Mr. Crossland sought Planning evidence on the City's By-law. The March 31, 1992, hearing related to a medical building seeking a reduction in required parking and a change in their site specific zoning by-law so that a snack bar could be operated in the basement. (The Chairman commented that, in his opinion, the City should be presenting evidence at every OMB hearing.)

AZ/dg







CITY OF HAMILTON

- INFORMATION -

Cbi)

**DATE:** April 14, 1992

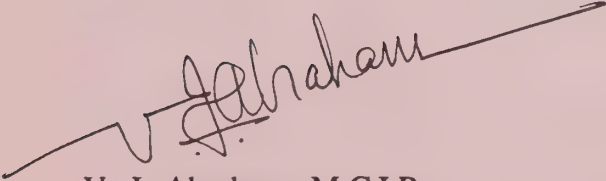
**REPORT TO:** Ms. Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Rental Housing Protection Act, 1989  
- Status Report on Applications Submitted to Date

**PURPOSE:**

A summary of the types of applications submitted to date under the Rental Housing Protection Act, and the related Council decisions, is provided as information to the Committee.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

Mr. J. D. Thoms, M.C.I.P.  
Commissioner  
Planning and Development



**BACKGROUND:**Legislation:

The Rental Housing Protection Act, 1989 is Provincial legislation which exists to help preserve the existing supply of affordable rental units. It regulates Council approval for changes resulting in the temporary or permanent loss of rental units, such as renovations, conversions to condominium or other uses, demolitions and severances. The legislation first came into effect in 1986, and was revised extensively in 1989. Rental units within the City of Hamilton are subject to the Act, by virtue of the City's population.

City Council cannot approve an application under the Act for the renovation, conversion, demolition or severance of rental units, unless at least one of the following criteria is met:

- Criterion 1: The rental property is structurally unsound; and where vacant possession is required in the case of renovations; or,
- Criterion 2: The applicant will provide:
  - accommodation at a similar rent and quality in the same area for tenants who are evicted; and,
  - the same number of new rental units in a similar rental range in the same area; or,
- Criterion 3: In the opinion of Council, the proposal will not adversely affect the supply of affordable rental housing in the municipality.

Review of Applications Processed to Date

The Planning and Development Department has processed thirteen applications to date under the Rental Housing Protection Act. Of these, five were processed under the updated version of the Act which was passed into legislation in 1989. Four additional applications were made in 1986, but were not processed, since they were either withdrawn or exempt from the Act.



It is proposed that Planning and Development Committee be informed, on an annual basis, of the status of applications made under the Act since its adoption and during the past year.

The table attached as APPENDIX I provides a summary of the number and type of rental units for which applications have been processed under the Act. Also noted is the Council decision concerning each application.

It is noted that:

- A total of 13 applications have been processed to date, involving 165 units.
- Approval has been granted by City Council for 11 of these applications including 101 rental units, or 61% of the total. Of these, one application for the renovation of 11 units was granted conditional approval.
- Most of the applications which were approved involved relatively small applications, each with about five to ten rental units.
- Two applications have been denied by City Council, one a small renovation proposal, and the other a large scale condominium conversion proposal involving 58 rental units. Overall, 64 units, or 39% of all units processed under the Act, have been denied.

#### Vacancy Rate Trends

Applications for conversion of rental residential units to other uses must be evaluated in relation to vacancy rates, as well as the Act. The Regional Official Plan states that the conversion of rental housing will be approved only when the vacancy rate for the municipality is 2 percent or higher, based on two consecutive bi-annual Canada Mortgage and Housing Corporation (CMHC) apartment surveys and other relevant information, and when the conversion will not lower the vacancy rate below 2 percent.



The vacancy rate for all privately-initiated apartments in buildings with three or more units within the City of Hamilton was 1.9% as of the October, 1991 CMHC vacancy survey (the most recent data available at present).

Vacancy rates for apartment buildings with three or more units have been increasing in the recent past. The rate has increased from 1.0% in April, 1990, to 1.4% in October 1990, 1.6% in April, 1991 and 1.9% in October, 1991. This slight increase was attributed by CMHC to a decrease in the demand for rental apartments, resulting from slower economic conditions and the formation of fewer new households.

It is noted that the vacancy rates for small rental buildings with 3 to 6 units are considerably higher, especially in some parts of the City. These vacancy rates were at about 6.1% for the entire City, and 5.3% in the Central Area, as of the October, 1991 survey.

Indications are that vacancy rates are continuing to rise, and that further increases may be reflected in the April, 1992 CMHC vacancy data.

#### Housing Task Force Recommendations

The final report of the Chairman's Task Force on Affordable Housing, and the associated Regional Official Plan Amendment No. 53, as approved by Regional Council in January, 1992, include a number of recommendations related to the Rental Housing Protection Act, including:

- Encouragement of the use of approval Criterion 2, namely the provision of replacement rental units, of the same number and type, as well as alternative rental units for tenants required to give up possession of a rental unit;
- Reporting to Local Councils annually on the status of applications processed under the Act to date and during the past year, on the criteria used in granting approval, and any other conditions imposed; and,
- Establishment of a process to monitor the price and location of affordable units lost through demolition and conversion.

The present report attempts to provide some of the information recommended by the Task Force on Affordable Housing.



### Provision of Replacement and Alternative Rental Units

The use of Criterion 2 under the Act, namely the provision by the application of similar replacement rental units, and alternative rental units for tenants who are displaced, is an approach which can be utilized. This was made a requirement of approval for one application, involving eleven rental units and was carried out by means of a legal agreement.

### Loss of Affordable Rental Units

An estimated 63 affordable rental units have been lost through applications approved under the Rental Housing Protection Act. This equals approximately 39% of the 165 units processed to date under the Act. This number includes 47 units which were demolished; 6 units converted to condominium; 5 units converted to other uses; and 5 units lost through renovations. Further analysis would be required to provide details concerning the price and location of these lost units.

It is noted that the 27 rental units for which severances were applied were all approved on the basis that they would remain rental residential units. They are therefore not included in the 63 units.

The 63 units lost represent approximately 0.2% of the total 33,730 private rental units in the City of Hamilton.

New residential units are proposed to replace the two properties for which demolition was approved. This includes a total of over 350 condominium units, of which many are to be in the affordable range, namely purchase prices of around \$100,000

V.G.:ns

RENTHOU.PRO



# APPENDIX 1

## APPLICATIONS AND UNITS PROCESSED TO DATE UNDER THE RENTAL HOUSING PROTECTION ACT

As of April 1, 1992

Nature of Applications	<u>City Council Decision</u>		Denial	Total
	Approval (Unconditional)	Approval (Conditional)		
Renovation				
- Units	5	11	6	22
- Applications	(1)	(1)	(1)	(3)
Demolition				
- Units	47			47
- Applications	(2)			(2)
Condominium Conversion				
- Units	6		58	64
- Applications	(2)		(1)	(3)
Conversion to Other Uses				
- Units	5			5
- Applications	(1)			(1)
<hr/>				
TOTAL				
- Units	90 (54%)	11 (7%)	64 (39%)	165 (100%)
- Applications	(10)	(1)	(2)	(13)



# **CITY OF HAMILTON**

## **- INFORMATION -**

**DATE:** 1992 April 14  
4476  
DA-91-62  
DA-92-63  
DA-91-10  
DA-92-05

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Approved Site Plan Control Applications.

### **BACKGROUND:**

The attached Site Plan Control Applications have been approved by the chairman of the Planning and Development Committee and the Alderman of the Ward.

JPS/ma  
Attach.



CITY OF HAMILTON  
**- RECOMMENDATION -**

**DATE:** March 25, 1992  
DA-91-62 (ZA-90-32)  
Eleanor Neighbourhood

**REPORT TO:** Alderman D. Drury, Chairman and  
Alderman H. Merling, Ward Alderman of  
the Planning and Development Committee

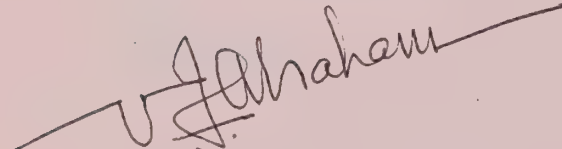
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Site Plan Control Application DA-91-62 for development for  
a gas bar facility at 867 Rymal Road East.

**RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-91-62 by Shell Canada Products Limited, owner of lands at 867 Rymal Road East for development of a gas bar facility subject to the following:


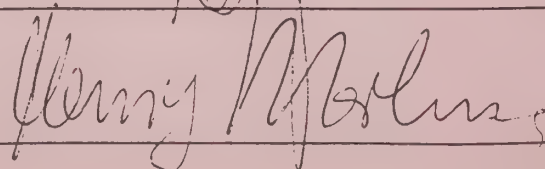
- a) modification to the plan related to notes and dimensions as marked in red on the plans;
- b) submission of the canopy elevations to be included as part of the plans; and,
- c) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation/Environmental Services.

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning

Approved On: \_\_\_\_\_

Alderman D. Drury  
Chairman

Alderman H. Merling  
Ward Alderman

  
\_\_\_\_\_  
  
\_\_\_\_\_



**BACKGROUND:**

Plans have been submitted for development of a self-serve gas bar facility to be located at the north-west corner of Rymal Road East and Upper Gage Avenue. One access driveway is proposed from each street with the gas pumps parallel to Rymal Road East.

A 1.8 m high visual barrier and landscape strip with plantings has been provided along the northerly and westerly boundaries abutting residential properties.

**COMMENTS RECEIVED:**

The Building Department has advised the following:

1. Any signs on the canopy shall be at least 6.0 m from the street line of Rymal Road East.
2. The ground sign shall be at least 6.0 m from the street line of Rymal Road East and 1.0 m from the street line of Upper Gage Avenue.
3. A 1.2 m to 2.0 m high visual barrier shall be provided along the northerly and westerly lot lines.
4. The aggregate area of all signs shall conform to Section 14A of By-law 6593.
5. A demolition permit has been issued by this Department for the existing building.

The Traffic Department has indicated the following:

- a) Future channelization of the intersection may restrict access to Upper Gage Avenue and or Rymal Road to right turn in and out only.
- b) The location of the access are approved in principle but the applicant is required to make an application for a Driveway Approach Approval through the Traffic Department.

The Transportation/Environment Services Department has indicated in their attached letter that additional grading information and a road widening is required.



***COMMENTS:***

Modifications are required to the plans related to notes and are marked in red on the plans.

In regard to the requested road dedication, the applicant has provided documentation that the lands have already been deed to the Region.

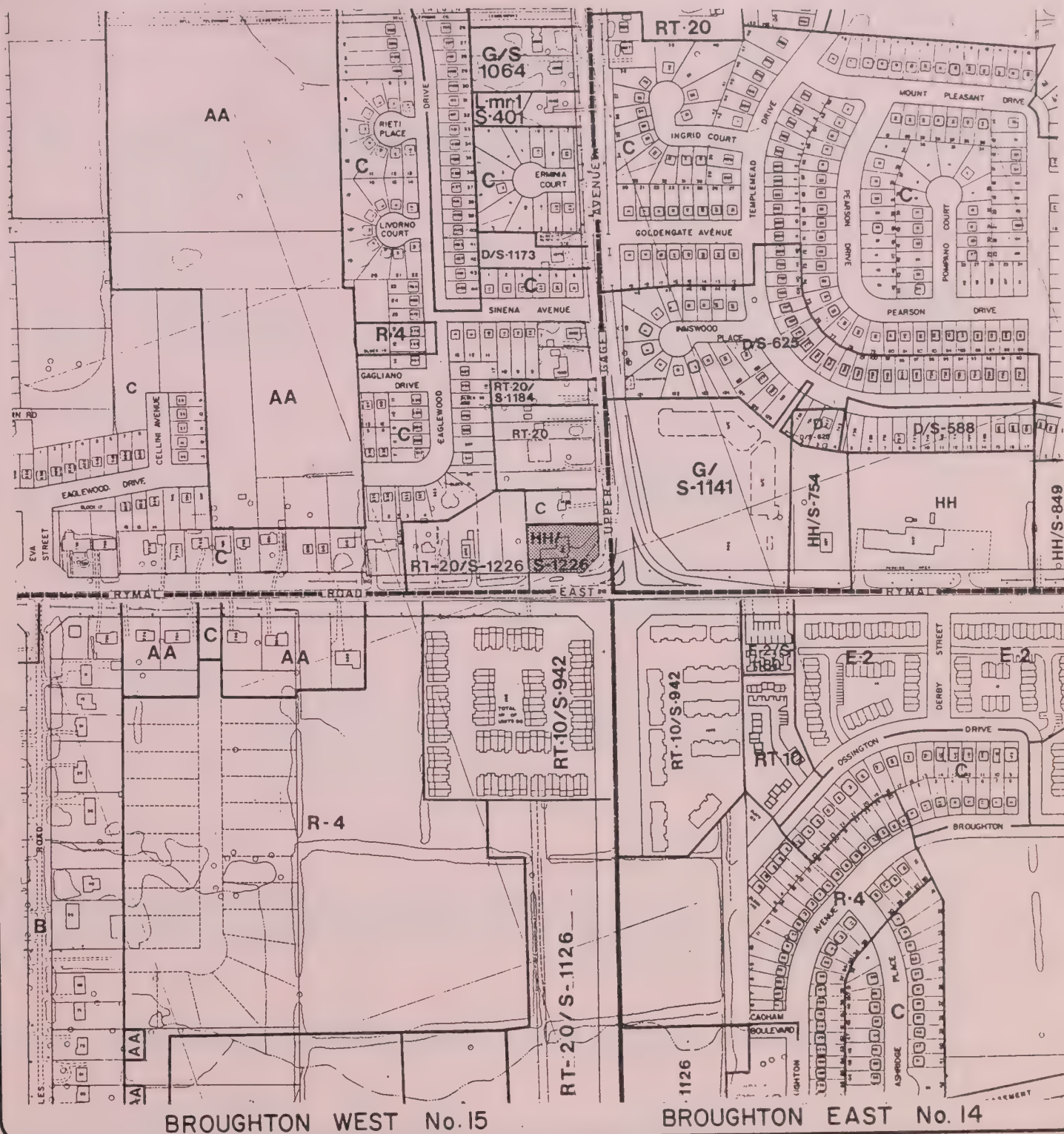
In regard to the Building Department comments, the plans have incorporated dimensions and notes to address those items.

The plans are therefore satisfactory subject to the modification as required.

JPS/ma

DA9162





City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-91-62**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale

1:5000

Reference File No.

DA-91-62

Date

SEPTEMBER, 1991

Drawn By

L.B.



# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 March 27  
DA-91-63 (ZA-91-32)  
Eleanor Neighbourhood

**REPORT TO:** Alderman Don Drury, Chairman and  
Alderman Henry Merling Ward Alderman of  
The Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Site Plan Control Application DA-91-63 for a 26 unit  
townhouse development at 845 Rymal Road East.

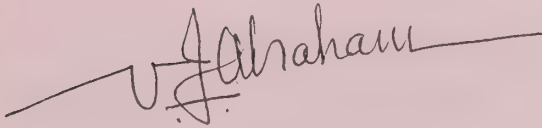
### **RECOMMENDATION:**

That approval be given to Site Plan Control Application DA-91-63 by Hamilton East Kiwanis Non-Profit Homes Inc., owner, of land known as 845 Rymal Road East for a 26 unit townhouse development subject to the following:

- i) modification to the plans in relation to notes, and dimensions as marked in red on the plans;
- ii) modification to the plans to indicate a 2.0 m high acoustic fence as marked in red on the plans;
- iii) provision of a note on the plan to incorporate the southerly part of Block 30 on Reference Plan 62M-622 as part of the development, upon disposition of the closure of the walkway lands; and,



- iv) submission of a revised grading plan to the satisfaction of the Commissioner of Transportation/Environmental Services.



V.J. Abraham, M.C.I.P.  
Director of Local Planning

Approved On:

April 3/92.

Alderman Don Drury  
Chairman

Drury

Alderman Henry Merling  
Ward Alderman

Henry Merling

### **BACKGROUND**

Plans have been submitted for a 26 unit townhouse development to be located on lands at 845 Rymal Road East. The details of the development are as follows:

- |                                  |   |  |
|----------------------------------|---|--|
| • Net Lot Area                   | - | 6080.0                                     |
| • No. of Units                   | - | 26 units                                   |
| • Building Height                | - | 10.5 m three (3) storeys                   |
| • No. of Parking Spaces Provided | - | 39 min.                                    |
| • Landscape Area                 | - | 3232.9 (53.2%)                             |
| • Exterior Building Materials    | - | Brick Veneer, Siding and Asphalt Shingles. |

### **COMMENTS RECEIVED:**

The Building Department, in their attached comments has indicated a number of items which must be clarified, and the plan modified to incorporate certain details.



The Traffic Department has advised that the plans are satisfactory. The applicant must apply for a Driveway Approach approval through the Traffic Department.

The Transportation/Environmental Services Group, in their attached comments has indicated that the revised grading plan requires clarification of items such as culvert removal, sidewalk construction, access permit, retaining wall and catch basins. A revised grading plan is therefore required to resolve these issues. Other items addressed deal with walkway closure, future concrete median islands and works within the road allowance.

**COMMENTS:**

Various modifications are required to the plans in relation to notes, and dimensions and have been marked in red on the plans.

With respect to the comments received from the Transportation/Environmental Services Group, the applicant has agreed to modify the plans accordingly and/or as shown in red on the plans.

With respect to Building Department comments the applicant has agreed to modify the plan and resolve the issues as marked in red on the plan.

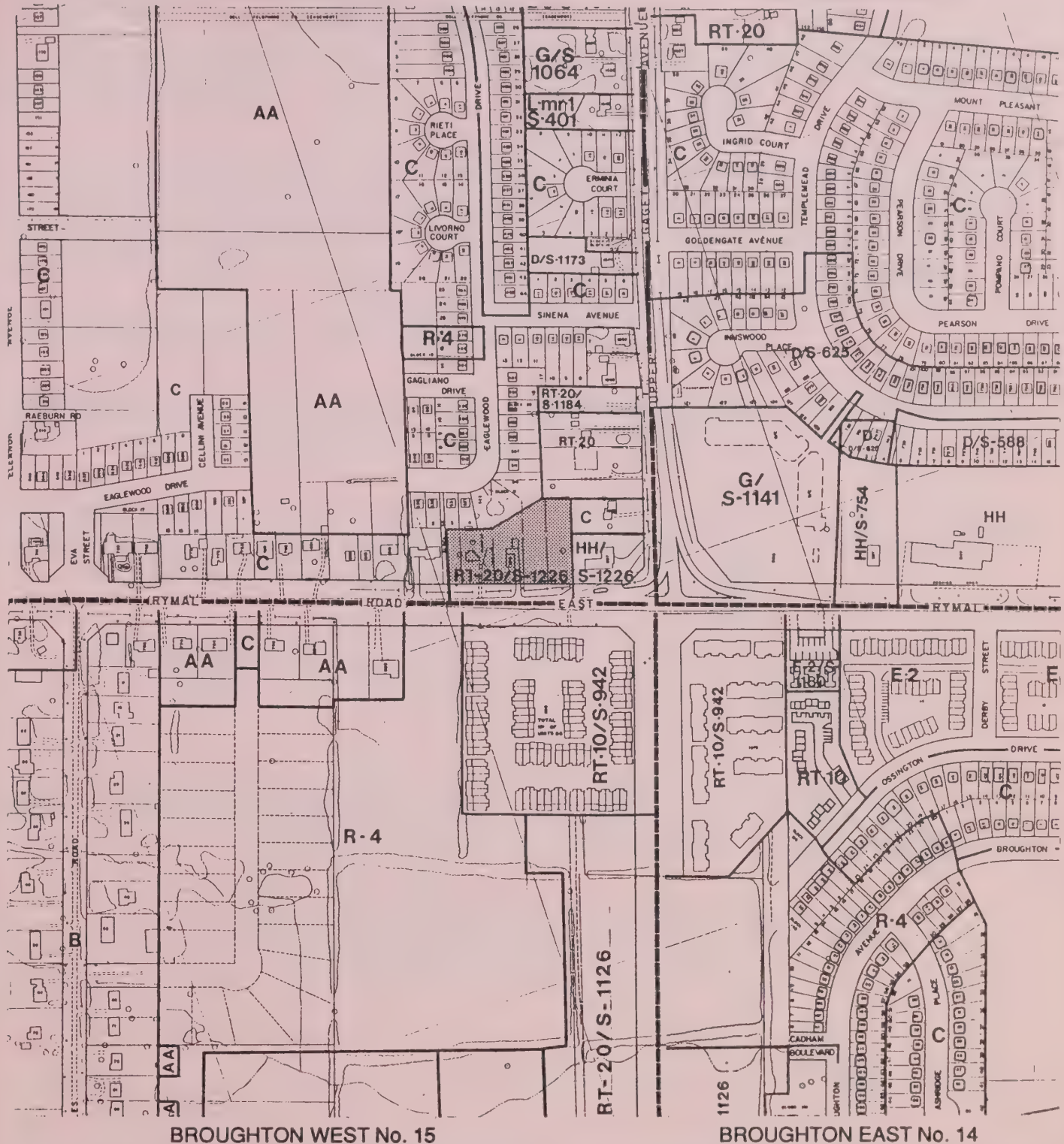
The applicant has noted Canada Mortgage and Housing Corporation design requirements related to the design of parking spaces, which must be adhered to in order to receive funding. The parking space design integrates a raised overhang and curb within the 6.0 m length, as shown on the plans. The Building Department has noted this as a required variance. The plan has been marked to indicate the requirement of an approval of the Committee of Adjustment to provide this detail.

The plans also show a stairwell at the easterly end of Building Block "B", for an emergency exit from the basement meeting room. Since the stairwell is located within the required 3 m planting strip, approval from the Committee of Adjustment is necessary. In order to expedite the project, an alternate location has been indicated with a note advising that the original location requires the approval of the variance by the Committee of Adjustment.

Since the proposed variance in the overhang parking detail and the stairwell location are considered minor in nature, the variances can be supported.

JPS/ma  
DA9163





BROUGHTON WEST No. 15

BROUGHTON EAST No. 14

City of Hamilton

Plan Showing  
Lands Subject toSite Plan Control  
Application DA-91-63Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

## Legend



Site of the Application

North

Scale  
1:5000Date  
SEPTEMBER, 1991Reference File No.  
DA-91-63Drawn By  
L.B.



# CITY OF HAMILTON

## - RECOMMENDATION -

**DATE:** 1992 March 27  
DA-92-05  
(ZA-91-53)  
Ainsle Wood North Neighbourhood

**REPORT TO:** Alderman Don Drury, Chairman and  
Alderman Mary Kiss Ward Alderman of  
the Planning and Development Committee

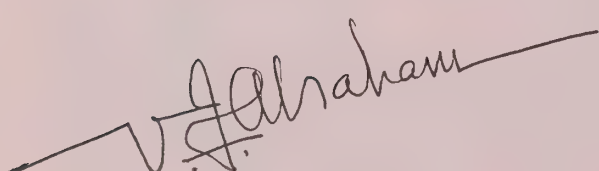
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Site Plan Control Application DA-92-05 for a "Ronald  
McDonald House" to be constructed at 1510 Main Street  
West.

### RECOMMENDATION:

That approval be given to Site Plan Control Application DA-92-05 by Kids Care Oncology, Central West Ontario, owner of lands at 1510 Main Street West, to develop a Ronald McDonald House, subject to the following:

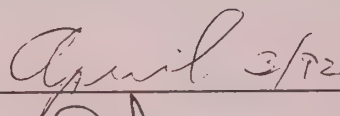
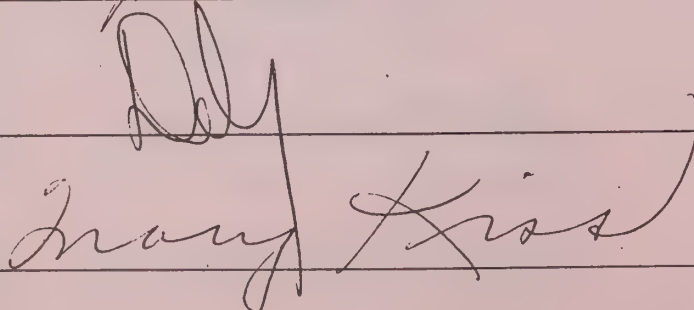
- (a) clarification of the location of the proposed sign on the plans.

  
V.J. Abraham, M.C.I.P.  
Director of Local Planning

Approved On:

Alderman Don Drury  
Chairman

Alderman Mary Kiss  
Ward Alderman



***BACKGROUND:***

Plans have been submitted to construct a three storey structure at 1510 Main Street West for a Ronald McDonald House.

A total of 16 parking spaces with access from Main Street have been provided on the south and west sides of the building. An enclosed children's play area is provided at the rear of the building. Some existing trees have been retained on the site with additional landscape throughout the site to enhance the site and its surroundings.

***COMMENTS RECEIVED:***

The Building Department has advised that the zoning amendment proposed under ZA-91-52 shall be incorporated into a by-law and receive all approvals prior to the issuance of a building permit.

The Traffic Department has advised that the plan is satisfactory. The location of the access is approved in principle but the applicant must make an application for a Driveway Approach Approval through the Traffic Department.

The Transportation/Environmental Services Group in their attached comments has noted information pertaining to catch basin locations and works within the road allowance.

***COMMENTS:***

Clarification is required on the plan as to the proposed location of the low ground sign which is shown on the Site and Landscape Plans in slightly different locations. The plan has been marked in red to ensure the same location is indicated.

The applicant has been advised of the various comments and has indicated that the concrete bases within the road allowance will be removed and the appropriate heights of landscape materials have been provided.

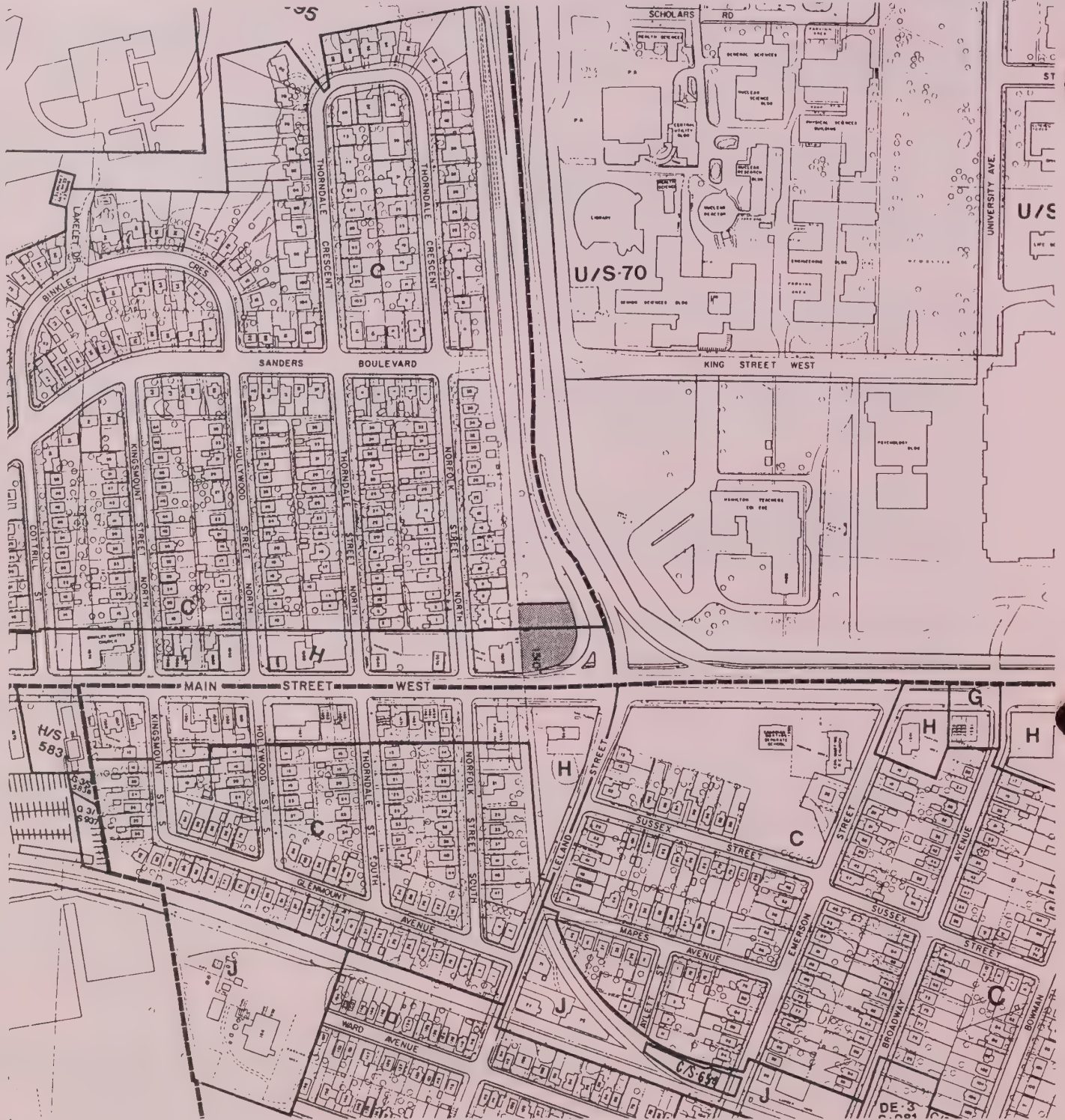
In regard to Zoning Application ZA-91-53, By-law No. 92-061 came into effect on March 9, 1992 and is now final.

In conclusion, the submitted plans are satisfactory.



AINSLIE WOOD NORTH No. 3

COOTES PARADISE "A" No. 29



AINSLIE WOOD EAST No. 2

City of Hamilton  
Plan Showing  
Lands Subject to  
**Site Plan Control**  
**Application DA-92-05**

Regional Municipality of Hamilton-Wentworth  
Planning and Development Department

Legend



Site of the Application

North



Scale  
1:5000

Date  
FEBRUARY, 1992

Reference File No.  
DA-92-05

Drawn By  
L.B.



## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 April 3  
DA-91-10 (DA-87-123)  
Riverdale East Neighbourhood

**REPORT TO:** Alderman D. Drury, Chairman and  
Alderman Fred Eisenberger Ward Alderman  
of the Planning and Development Committee

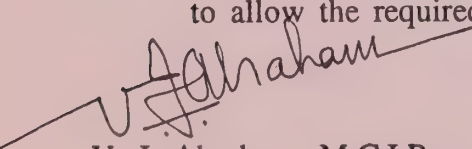
**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Site Plan Control Application DA-91-10 to modify  
approved plans under Site Plan Control Application  
DA-87-123 to include additional lands for a parking area.

### RECOMMENDATION:

That approval be given to Site Plan Control Application DA-91-10 by 690372 Ontario Inc., owner, of the lands at 2800 Barton Street and lessee of adjacent lands to the rear of the existing restaurant, to amend Site Plan Control Application DA-87-123 to incorporate additional parking and landscape areas subject to the following:

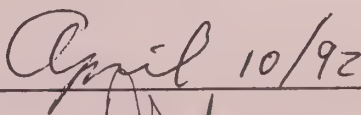
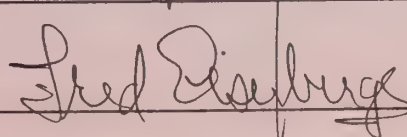
- a) modification to the plans to clarify notes and dimensions as marked in red on the plans.
- b) submission of a revised plan to include grading information to the satisfaction of Commissioner of Transportation/Environmental Services Group; and,
- c) provision of a note on the plan indicating that the existing bus shelter will be relocated to allow the required fence and planting strip.

  
V. J. Abraham, M.C.I.P.  
Director of Local Planning

Approved On:

Alderman D. Drury  
Chairman

Alderman F. Eisenberger  
Ward Alderman



**BACKGROUND:**

At its meeting of May 31, 1988, City Council approved By-law No. 88-190 which rezoned a portion of land at the rear of 2800 Barton Street East from "L-pn" (Planned Development - Public and Institutional) District to "G-3-H" (Public Parking Lots - Holding) District.

The By-law further indicated that:

"upon submission by the applicant of a site plan of the proposed parking lot acceptable to the Planning and Development Committee, the "H" symbol shall be removed by amendment to this by-law and the development of the lands comprised in Block 1 may proceed in accordance with the "G-3" District."

The applicant has, therefore, submitted plans to include the parking and landscape area provided on the lands leased from Ontario Hydro and to provide related changes to the approved plans under Site Plan Control Application DA-87-123.

The new parking area provides 16 additional parking spaces with 1.5 m wide landscape areas and 1.5 m high wood fencing along the boundary of the parking area. Tree and shrub plantings are also provided on the site.

In addition, the plan proposes that the existing garbage enclosure located on the leased lands will be relocated to the restaurant property. A total of 16 parking spaces will still be accommodated on the restaurant lands.

**COMMENTS RECEIVED:**

The Building Department has advised the following:

- 1) By-law No. 88-190 requires a 1.5 m wide planting strip and a visual barrier along the north, south and west limits of the leased lands. No planting strip or visual barrier has been shown.
- 2) The dimensions of the leased lands shown on the site plan are not the same as Schedule A of By-law 88-190.

The Transportation/Environmental Services Group has indicated the following:

1. The applicant should ensure that the stormwater runoff to the existing catch basin in the new location of the refuse container is not blocked by this installation.
2. The site plan does not show grading information. It is difficult to understand. This revision should not affect the grading approved April 3, 1991.



The Traffic Department has indicated the following:

1. The southerly access to the easterly parking area should be widened to 6.0 m to allow for two directional operations.
2. The four central parking spaces should be turned around to avoid potential conflicts between traffic entering the drive-thru driveway and vehicles accessing/egressing these parking spaces.

The Hamilton Street Railway Company has advised the following:

1. H.S.R. is currently negotiating with the applicant for the relocation of the bus shelter to accommodate the fence and planting strip required adjacent to the parking area. Confirmation is to come from the applicant and Ontario Hydro with respect to the suitability of the new location of a financial commitment from Harvey's with respect to construction costs.

Ontario Hydro has verbally advised that the lands have been licensed from Ontario Hydro for the proposed parking lot.

#### **COMMENTS:**

The applicant has constructed the parking lot shown on the submitted plan with the following proposed to be constructed:

- a) relocation of the garbage enclosure;
- b) construction of a visual barrier;
- c) relocation of the bus shelter; and,
- d) provision of additional shrubs.

Modifications are required to the plans to clarify these points and to update the submitted plans from those originally dealt with under Site Plan Control Application DA-88-123. Grading information should also be provided on the plan by G. Consoli, Surveyor, to the satisfaction of the Commissioner of Transportation/Environmental Services.

In regard to comments from the Building Department, a revised plan has incorporated the required landscape, fencing and dimensions to comply with the by-law requirements.

In regard to the Traffic Department comments, the site has been constructed as shown on the plan without any problems in traffic circulation occurring over the past number of years. In addition, a waste disposal company has reviewed the plan and site and has indicated that the conditions to service the facility are satisfactory.

In conclusion, upon finalization of details of the plan pertaining to notes, dimensions, grades, garbage enclosure and bus shelter locations, the applicant should proceed to remove the "H" holding provision of the by-law.







3.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

APR 15 1992

**DATE:** 1992 April 14  
CI-85-F

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Definition of "Outdoor Patio".

**RECOMMENDATION:**

That approval be given to City Initiative 85-F to amend Zoning By-law No. 6593, as amended by By-law No. 86-223, by providing for a revised definition of "Outdoor Patio" on the following basis:

- i) That subsection 2.(2)D. of Zoning By-law No. 6593, as amended by By-law No. 86-223, be further amended by deleting clause (viiia) and substituting in lieu thereof the following:
  - (viiia) "Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.
- ii) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 for presentation to City Council.
- iii) That the proposed by-law is in conformity with the Official Plan for the Hamilton Planning Area.

**EXPLANATORY NOTE:**

The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by amending Section Two - Interpretation and Definitions, by revising the definition of "Outdoor Patio".



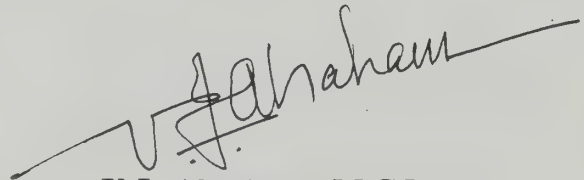
The effect of the by-law is to introduce the following revised definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.

The current definition of an "Outdoor Patio" refers to "an outdoor area: which has been issued a Patio Licence under The Liquor Licence Act". However, due to recent changes to The Liquor Licence Act, "Patio Licences" are no longer issued. Accordingly, the definition of "Outdoor Patio" is being amended to reflect the new legislation.



**J.D. Thoms, M.C.I.P.**  
Commissioner  
Planning and Development Department



**V.J. Abraham, M.C.I.P.**  
Director of Local Planning

#### ***BACKGROUND:***

- Planning and Development Committee

At its meeting of March 25, 1992, the Planning and Development Committee gave authorization to hold a Public Meeting to consider a general amendment to the Zoning By-law to provide for a revised definition of "Outdoor Patio".

- By-law No. 86-223

By-law No. 86-223 was passed by City Council on July 22, 1986. The purpose of the By-law is to provide for a general text amendment to Zoning By-law No. 6593 by introducing special requirements for the regulation of "Outdoor Patios".

Generally, the effect of the By-law is to permit "Outdoor Patios" in the following zoning districts:

- "G" (Neighbourhood Shopping Centre, etc.) Districts;
- "G-1" (Designed Shopping Centre) Districts;
- "G-2" (Regional Shopping Centres) Districts;
- "G-4" (Designed Neighbourhood Shopping Area) Districts;



- "H" (Community Shopping and Commercial, etc.) Districts;
- "HH" (Restricted Community Shopping and Commercial) Districts;
- "I" (Central Business District, etc.) District;
- "HI" (Civic Centre Protected) Districts;
- "J" (Light and Limited Heavy Industry, etc.) Districts;
- "K" (Heavy Industry, etc.) Districts; and,
- "M-11" (Prestige Industrial) Districts.

The By-law also introduced the following definition of "Outdoor Patio":

"Outdoor Patio" shall mean an outdoor area used in conjunction with a restaurant or tavern where seating accommodation is provided, and meals or refreshments are served to the public for consumption on the premises, and for which a Patio licence under The Liquor Licence Act has been issued.

Lastly, the By-law introduced special requirements respecting capacity, location, lighting facilities, parking and entertainment.

#### ***PROBLEM:***

On September 15, 1990, a new Liquor Licence Act came into effect. Under the regulations the various classes of licences (e.g. Entertainment Lounge Licence, Dining Room Licence, Patio Licence, etc.) were deleted and effectively replaced with one class of licence, "A Liquor Sales Licence".

The Building Department has advised that since the definition of "'Outdoor Patio" means an outdoor area...which has been issued a Patio Licence under The Liquor Licence Act", the special by-law regulations respecting "Outdoor Patios" are not enforceable because the L.L.B.O. no longer issues patio licences under the new Act.

#### ***COMMENT:***

It is the consensus of the Building Department and Planning and Development Department that the definition of "Outdoor Patio" should be appropriately amended to delete the reference to a "Patio Licence", and to reflect the new regulations under The Liquor Licence Act.



In this regard, it is recommended that the following revised definition of "Outdoor Patio" be adopted:

"Outdoor Patio" shall mean an outdoor area used in conjunction with any establishment licensed under The Liquor Licence Act, where seating accommodation is provided and meals or refreshments are served to the public for consumption on the premises.

It should be noted that since the current By-law definitions of "Restaurant" and "Tavern" refer to the various classes of licences under the old Liquor Licence Act, these definitions will also have to be revised to reflect the new Act. However, it is intended that the review of these definitions will be included in the pending City Initiative to provide for an 'omnibus' general text amendment (i.e. up-dating).

***CONCLUSION:***

That Zoning By-law No. 6593 be amended to incorporate revised definition of "Outdoor Patio".

PDM/ma



4.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** April 15, 1992  
ZA-90-61  
Ryckmans Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a change and modification in Zoning - No. 1471  
Upper James Street.

**RECOMMENDATION:**

1. That approval be given to Zoning Application 90-61, 662016 Ontario Limited, (Bayfield Green Development Company), owner, requesting a change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District (Block "1"), and from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District (Block "2"), to permit development of the subject lands for a retail plaza in conjunction with adjoining lands located to the north, for the property located at 1471 Upper James Street, shown as Blocks "1" and "2" on the attached map marked as APPENDIX "A", on the following basis:
  - i) That Block "1" be rezoned from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District;
  - ii) That Block "2" be rezoned from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District;
  - iii) That the "G" (Neighbourhood Shopping Centre, etc.) District regulations, as contained in Section 13 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
    - a) That notwithstanding Section 13.(3)(i), a front yard of a depth of not less than 6.0 m shall be provided and maintained along the entire westerly boundary of Block "2";
    - b) That Section 13.(3)(ii) shall not apply;



- c) That a minimum 6.0 m wide landscape strip shall be provided and maintained along the entire westerly boundary of Block "2".
  - v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and the subject lands on Zoning District Map E-9D be notated S- ;
  - vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9D for presentation to City Council;
  - vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
2. That the amending By-law not be forwarded for passage by City Council until such time as:
- i) the applicant assembles and appropriately rezones the adjoining lands to the south, up to the proposed mid-block collector road;
  - ii) the applicant applies for and receives approval of a site plan including adjoining lands to the north, and south up to the proposed mid-block collector road, and incorporates the applicable "Urban Design Guidelines for Upper James Street"; and,
  - iii) the City Solicitor has been notified by the applicant (Bayfield Green Development Company) that a satisfactory mutual right-of-way agreement(s) have been entered into with the property owners to the north (R. Yates and T. Yates) to provide permanent access to Upper James Street and the proposed mid-block collector road.

***EXPLANATORY NOTE:***

The purpose of the by-law is to provide for changes in zoning for lands located at 1471 Upper James Street, as shown on the attached map, on the following basis:

Block "1" - Change in zoning from "AA" (Agricultural) District to "G" (Neighbourhood Shopping Centre, etc.) District; and,

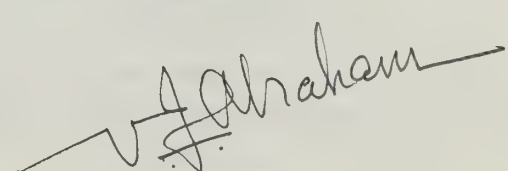
Block "2" - Change in zoning from "C" (Urban Protected Residential, etc.) District to "G" (Neighbourhood Shopping Centre, etc.) District.



The effect of the by-law is to permit future development of the subject lands for a retail commercial plaza, in conjunction with lands to the north (1451, 1459, 1465, and 1469 Upper James Street) and south. In addition, the By-law provides for the following variances as special requirements:

- a minimum front yard of 6.0 m (20 feet) along the westerly lot line of Block "2" whereas 24.0 m (80 feet) is required;
- to require a minimum 6.0 m landscape strip along entire westerly boundary of Block "2"; and,
- to eliminate the northerly and southerly side yard setback for Blocks "1" and "2" whereas 4.5 m is required.

**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

- Proposal

The applicant is requesting a rezoning for 1471 Upper James Street. The purpose of the application is to permit retail commercial development of the subject lands. The applicant for this property and the adjoining property owner to the north are investigating a comprehensive development scheme and are currently negotiating the details of the proposal, as per zoning application ZA-90-13, which would be acceptable to both parties.



- ZA-90-13

The Planning and Development Committee, and City Council at their meetings of September 19, 1990, and September 25, 1990, respectively, approved Zoning Application 90-13, to permit future development of the lands, known as 1451, 1459, 1465, and 1469 Upper James Street, as a neighbourhood shopping centre in conjunction with the adjoining lands to the south.

Approval was conditional upon the applicant assembling lands to the south, approval of a site plan including lands to the south, and establishing mutual right-of-way agreement(s) in favour of the owner(s) of 1471 Upper James Street.

- Design Guidelines for Upper James Street Corridor

The subject lands are within the Upper James Street Corridor and are subject to the Urban Design Guidelines as set out in the approved Ryckmans Neighbourhood Plan. According to these guidelines the lands are designated to be a mid-block node/village for which the following policies are applicable:

"The permitted uses will include neighbourhood-based retail and service uses to serve the adjacent residential areas, possibly in combination with retail/warehouse or residential uses.

This area will be developed in the form of several small plazas, one located on each corner of the intersection. The plazas will be roughly U-shaped, with wide sidewalks to the front and parking areas to the rear.

The area will be designed primarily for the use of pedestrian traffic, rather than through automobile traffic. It will provide local neighbourhood-based shopping and other services for nearby residents. It will also act as a gateway to the neighbourhood, by means of the collector road. A small town atmosphere will be encouraged.

The maximum building height permitted will be 3 to 4 stories. This may enable mixed use buildings with commercial on lower floor(s) and residential on upper floor(s).

The depth of these areas will be approximately 130 m (425 feet) with approximately 90 m (300 feet) of frontage on both the north and south sides of the mid-block intersection."



**LOT SIZE AND AREA:**

- 20.12 m (66.0 ft.) of lot frontage on Upper James Street;
- 69.19 m (227.0 ft.) of lot depth; and,
- 1391.83 m<sup>2</sup> (14,982 sq.ft.) of lot area.

**APPLICANT:**

662016 Ontario Limited (Bayfield Green Development Company).

**LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant/Residential	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north and east	Commercial	"G" (Neighbourhood Shopping Centre, etc.) District - (pending final By-law approval)
to the south	Single-Family Dwelling	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	Single-Family Dwellings	"C" (Urban Protected Residential, etc.) District

**OFFICIAL PLAN:**

The subject lands are designated "COMMERCIAL" on Schedule "A" - Land Use Concept. The following policies are applicable:

- "A.2.2.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services, business offices, and hotels, convention and entertainment facilities.



- A.2.2.19 Development within EXTENDED COMMERCIAL AREAS will be through infilling and redevelopment in order to consolidate the viability of these areas and to restrict their indiscriminate extension into stable areas of non-Commercial uses. Such development will only be permitted where traffic and/or parking problems will not be created and subject to the approval of the Region."

In addition to the above, the lands fall within Special Policy Area 31 on Schedule B, for which the following policies, among others, are applicable:

- "A.2.9.3.26 In keeping with the provision of Subsection 2.2 - Commercial Uses, for those lands shown on Schedule "B" as SPECIAL POLICY AREA 31, (which includes 31a, 31b, and 31c) and designated "COMMERCIAL" on Schedule "A" the following will apply:
- i) The Upper James Street frontage is recognized as a highway-oriented Commercial area which will include a diversity of retail and service uses catering not only to the travelling public, but to the daily needs of adjacent neighbourhoods.
  - ii) In keeping with Clause i) above, three sub-areas are identified to provide the following uses within the SPECIAL POLICY AREA:
    - c) in AREAS "31c", neighbourhood-based retail and service uses catering to the adjacent Residential areas will be permitted. However, in the case of the Area identified as "31c", located mid-block between Stone Church Road and Rymal Road, in the vicinity of a mid-block collector (as may be determined through the Neighbourhood Plan), retail warehouse uses will also be permitted in addition to neighbourhood-based retail and service uses. Development of these Areas may take place east-west along the collector (as opposed to the Upper James Street frontage).
    - v) To ensure a co-ordinated approach in the development of SPECIAL POLICY AREAS 31, 31a, 31b and 31c, and to enhance Upper James Street as a viable Commercial area, proponents of development or redevelopment will be encouraged to co-operate with adjacent property owners regarding such matters as, access, parking, architecture quality and design, and landscaping."

To conclude, the proposal complies with the intent of the Official Plan.



**NEIGHBOURHOOD PLAN:**

The lands are designated "NEIGHBOURHOOD COMMERCIAL" on the approved Ryckmans Neighbourhood Plan. The proposal does not conflict with the approved Plan.

**RESULTS OF CIRCULARIZATION:**

- The following Departments and Agency have no comment or objections:
  - Hamilton Region Conservation Authority;
  - Union Gas; and,
  - Hamilton-Wentworth Regional Police.
- The Building Department has reviewed the application and has forwarded the following comments:
  - "1. A demolition permit for the residential building requires approval from the Planning and Development Committee under the Demolition Control By-law.
  2. A side yard may be required along the northerly lot line if zoning change to "HH" is not approved for the adjoining property to the north."
- The Traffic Department has reviewed the application and has forwarded the following comment:
  - "1. It is our understanding that the south access will be leading to an adjoining property, not the future road allowance as indicated on the plan. The applicant must establish a legal right-of-way over these lands if this access is to exist.
  2. The applicant has indicated that a 10 foot right-of-way to the north of the property is to be used as part of the driveway access from Upper James. The applicant should be advised that use of this right-of-way must be legally established before approval of the site plan can be given and that the access should be a minimum 7.5 m at the property line.
  3. We recommend that the applicant consider developing this property in conjunction with the adjacent lands to the north and south. This would allow a more comprehensive development of the area and would permit the co-ordination of such restrictions as parking, loading, shared access, etc. As the applicant is probably already aware, property to the north has recently been rezoned (ZA-90-13) on the



condition that access be provided over their lands for this property. This is definitely our preferred access arrangement."

- The Hamilton-Wentworth Engineering Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service these Lands.

The designated road allowance width of Upper James Street is 36.58m. In accordance with this designation, as a condition of development approval, sufficient lands must be dedicated to the Region to establish the road allowance widening 18.29m from the centreline of the original Upper James Street road allowance.

Any work which may occur within the Upper James Street road allowance, as widened, must conform to the Region's Road Use By-Law."

#### **COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Ryckmans Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - i) it implements the general intent of the approved Ryckmans Neighbourhood Plan;
  - ii) it would be compatible with the existing and proposed development in the area; and,
  - iii) the requested zoning is appropriate for the subject development.
4. On the basis of a preliminary site plan submitted, the following variances have been identified:
  - i) Front Yard (Section 13.(3)(i)) - Block "2"

The applicant has shown a building on the subject land with a proposed front yard setback of 6.0 whereas a 24.0 m setback is required. It is the applicant's intent to connect to and work in conjunction with the proposed building on the property immediately to the north of the subject lands (zoned "G" pending final by-law approval ZA-90-13). Since the proposed 6.0 m setback is consistent with the intent



of Urban Design Guidelines for the Upper James Street Corridor, and the established setback for the adjoining lands to the north, the variance can be supported.

ii) Side Yards (Section 13.(3)(ii)) - Blocks "2" and "3"

The adjoining lands to the north and south are presently zoned "C" (Urban Protected Residential, etc). District and "AA" (Agricultural) District. The "G" District provisions require a side yard equivalent to that provided in any adjoining district. In this instance, this would require a 4.5 m side yard along the entire northerly and southerly side lot lines. A variance to eliminate the required side yards can be supported as the future intended development of the lands to the north and south is commercial to be developed in conjunction with the subject lands.

It should be noted, that rezoning of the adjoining lands to the north to "G" District is pending final by-law approval. In this regard, once the lands are rezoned no side yard would be required along the northerly lot line.

iii) A minimum 6.0 m wide landscape area shall be provided and maintained along the entire westerly lot line

The applicant has proposed a 6.0 m wide landscape area along the entire westerly lot line which is consistent with the proposed development to the north and the Upper James Street Urban Design Guidelines. These guidelines suggest that the front yards of development proposed at the mid-block collector be oriented towards pedestrian traffic and activity (i.e. walkways between store fronts, a court of hard and soft landscaping, and street furniture including benches, attractive lighting with a small town atmosphere). Thus it is recommended that a 6.0 m minimum "landscape area" be provided and maintained along the entire westerly lot line.

5. It is the intent of approved Ryckmans Neighbourhood Plan, in accordance with the Upper James Street Urban Design Guidelines, that the development of this property, the property immediately to the north and to the south be part of a comprehensive redevelopment of this section of Upper James Street with limited and common access points to Upper James and the mid-block collector road.

The Traffic Department has expressed concerns regarding access to and from the proposed development, and has suggested that development of the subject lands should not occur until such time as land assembly has occurred with the adjoining land owner to the south and a mutual access has been negotiated with the property owner to the north which was



recently rezoned (ZA-90-13) on the condition that access be provided over the subject lands. Further, an access plan showing access from the subject property to the mid-block collector must be submitted to the satisfaction of the Director of Traffic Services for the City of Hamilton.

Although, it is the intention of the property owner to develop the lands in conjunction with the lands to the north and the south, it would be prudent to require the applicant to fulfill the following conditions, which are consistent with those for the adjoining lands to the north, prior to the passing of the amending By-law:

- i) the applicant assemble and appropriately rezone the adjoining lands to the south, up to the mid-block collector road;
- ii) the applicant applies for and receives approval of a site plan including the adjoining lands to the north and south, up to the proposed mid-block collector road, and incorporates the applicable "Urban Design Guidelines for Upper James Street";
- iii) the applicant notify the City Solicitor that a satisfactory mutual right-of-way agreement(s) have been entered into with the property owners to the north (R. Yates and T. Yates) to provide permanent access to Upper James Street and the proposed mid-block collector road.

It should be noted that the applicant's agent has indicated they are presently negotiating with the adjacent property owners to achieve a satisfactory resolution with respect to the above-mentioned condition, but it appears it may take a considerable amount of time before an agreement can be reached to their satisfaction. In the interim the applicant has suggested and agreed to the above-mentioned condition with respect to their zoning amendment.

- 6. The "G" (Neighbourhood Shopping Centre, etc.) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223. Given the concerns expressed by the Traffic Department, it would be appropriate to require site plan approval prior to the passing of the amending By-law. This would also allow for the inclusion of the "Urban Design Guidelines for Upper James Street Corridor", and the review of access, parking, loading, etc.

## **CONCLUSION**

Based on the foregoing, the amended application can be supported.

JL:ma











"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, Alderman D. Drury, Chairperson, Planning and Development Committee, M. Main, Director of Traffic, Traffic Department - 1992 April 16"

April 14, 1992

Gordon Albini  
900074 Ontario Inc.  
78 Queenston Road  
Hamilton, Ontario L8K 1E9

4a)

The Corporation of the City of Hamilton  
Planning and Development Committee  
City Hall  
Hamilton, Ontario L8N 3T4

**RE: File Number ZA-90-61**

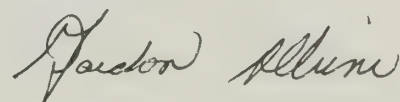
We are opposed to the proposed zoning change regarding Block "1" and Block "2" 1471 Upper James.

It was a condition of our zoning for 1451, 1459, 1465 and 1469 Upper James that we enter "into an agreement satisfactory to Bayfield Green to provide a permanent right-of-way to Blocks '2' and '3' (Appendix 'A') being rezoned to connect property municipally known as 1471 Upper James Street with the proposed access point to Upper James Street on the lands being rezoned."

We have offered this to the applicants. They have rejected it and are asking for more than we are required to give. Therefore, we would like the city to exclude us from entering into an agreement with the applicant.

We have taken great strides to satisfy the city's requirements, however, the applicant is being unreasonable in its demands and is holding up a sizeable development.

Sincerely,



Gordon Albini



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5.

**CITY OF HAMILTON**  
**- RECOMMENDATION -**

**DATE:** 1992 April 16  
ZA-92-02  
Corktown Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for a further modification of zoning - No. 124  
Walnut Street South.

**RECOMMENDATION:**

1. That approval be given to Zoning Application 91-02, J.V. Gates (in trust), owner, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations, to permit the conversion of the existing building for a residential care facility for the accommodation of 70 senior citizens, for property located at No. 124 Walnut Street South, as shown on the attached map marked as Appendix "A", on the following basis:
  - i) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulation as contained in Section 11 of Zoning By-law No. 6593 as amended by By-law No. 86-179, applicable to the subject lands be further amended to include the following variances as special requirements:
    - a) Notwithstanding Section 11(1) of Zoning By-law No. 6593, the following uses shall be permitted within the building existing at the date of the passing of the By-law:
      - 1) a residential care facility for the accommodation of not more than 70 residents being qualified Senior Citizens;
      - 2) a beauty parlour/barber shop shall be permitted as an accessory use within the existing building; and,
      - 3) an amenity area of not less than 135 m<sup>2</sup> shall be provided and maintained within the existing building.
    - b) That notwithstanding Section 11(7) of Zoning By-law No. 6593, a minimum radial separation distance of 146 m from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility shall be permitted;



२.



- c) That Section 18(3)(vi)(b)(iii) of Zoning By-law No. 6593 shall not apply to the canopy for the ramp for the physically handicapped located along the westerly lot line;
- d) The provisions of Section 2(b), (c), (d), (e), and (f) of By-law No. 86-179 shall apply to the subject lands.
- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-950a, and that the subject lands on Zoning District Map E-5 be notated S-950a; and,
- iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area;
- 2. That the applicant enter into an encroachment agreement with the City of Hamilton for the portions of the building, steps and retaining wall which encroach upon the Walnut Street road allowance.
- 3. That approval of the amending By-law be withheld until such time as a Site Plan is approved by the Planning and Development Committee.

***EXPLANATORY NOTE:***

The purpose of the By-law is to provide for further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, for property located at No. 124 Walnut Street south, as shown on the attached map marked as Appendix "A".

The effect of the By-law is to permit the conversion of the existing vacant warehouse building into a residential care facility for the accommodation of 70 residents being qualified senior citizens. In addition, the By-law provides for a beauty parlour/barber shop as an accessory use within the existing building.

In addition, the By-law provides for the following variances:

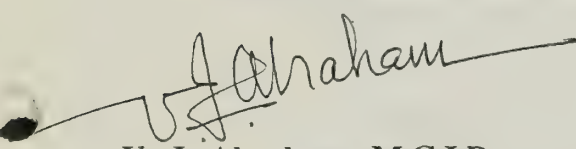
- to recognize the established yards of the existing building, notwithstanding that new construction would require greater yard requirements (Section 11.(3));
- to permit a minimum radial separation distance of 146.0 m from the lot line to the lot line of any other lot occupied or as may be occupied by a residential care facility instead of 180.0 m is required;
- to permit a canopy for a ramp for the physically handicapped to be located along the westerly lot line which is otherwise not permitted;
- to require an amenity area of not less than 135 m<sup>2</sup> to be provided and maintained within the existing building;







- to permit a minimum landscaped area of 20% of the area of the lot, whereas a minimum of 25% of the area of the lot is required (Section 11.(6));
- a minimum of 13 parking spaces shall be provided, whereas a minimum of 28 parking spaces would be required (Section 18A TABLE 1 Section 1.(g));
- no loading space shall be provided whereas 1 space is required (Section 18A TABLE 3);
- to permit required parking in a required front yard, whereas the zoning By-law prohibits it (Section 18A(14));
- to permit the parking area to adjoin a residential district boundary whereas a minimum 1.5 m setback is required (Section 18A(11)(a)), and to permit parking in the front yard within 3.0 m of a residential district (Section 18A(11)(b)); and,
- to delete the requirement of a landscaped planting strip between the boundary of the parking area and the residential district, and the requirement of a visual barrier not less than 1.2 m high and not greater than 2.0 m in height along the boundary of the lot abutting the residential district (Section 18A(12)).

  
**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

***BACKGROUND:***

• Current Proposal

The purpose of the proposed modification in zoning is to permit conversion of the existing building for a residential care facility for the accommodation of 70 senior citizens. The applicant has advised that no changes are to be made to the site with respect to yards, parking, location of required parking spaces, loading, fencing, landscaping, access driveway location, etc. as regulated by By-law No. 86-179.

• By-law No. 86-179

On May 27, 1986, City Council passed By-law No. 86-179 which provided for a change in zoning of the subject lands from "L-mr-2" (Planned Development - Multiple Residential) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to permit







conversion of the existing warehouse building into a multiple dwelling having a maximum of 35 dwelling units for the accommodation of elderly persons of at least 60 years of age. In addition, the By-law provides for the following variances as special requirements:

- to recognize the established yards of the existing building, notwithstanding that new construction would require greater yard requirements;
- to permit a minimum landscape area of 20% of the area of the lot, whereas a minimum of 25% of the area of the lot is required;
- a minimum of 13 parking spaces shall be provided, whereas a minimum of 28 parking spaces would be required;
- no loading space is provided, whereas one loading space is required;
- to permit required parking in the required front yard, whereas the zoning by-law prohibits it;
- to permit the parking area to adjoin a residential district boundary, whereas a minimum 1.5 m setback is required, and to permit parking in the front yard within 3.0 m of a residential district; and,
- to delete the requirement of a landscaped planting strip between the boundary of the parking area and the residential district, and the requirement of visual barrier not less than 2.0 m in height along the boundary of the lot abutting the residential district.

By-law No. 86-179 came into effect on July 1, 1986.

• Site Plan Application DA-85-65

On April 30, 1986, the Planning and Development Committee approved Site Plan Control Application DA-85-65 to permit renovation of the existing two storey warehouse building into a 35 unit senior citizen's apartment building, subject to, among others, the following conditions:

- provision on the plan for a minimum of 20% of the lot area as landscaping instead of the 14.7% shown on the plan;
- provision of at least one walkway ramp to the main entrance of the building as marked in red on the plan;
- provision of an encroachment agreement with the City of Hamilton for the portions of the building, steps, lighting fixtures and retaining walls which encroach upon the Walnut Street South road allowance.







***APPLICANT:***

J. V. Gates (In Trust), prospective owner.

***LOT SIZE AND AREA:***

An irregular shaped parcel of land having:

- 37.01 m (121.44 ft.) of lot frontage on Augusta Street;
- 40.23 m (132.0 ft.) average lot depth; and,
- 1,335.4 m<sup>2</sup> (14,374.79 sq. ft.) of lot area.

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant warehouse	"E" (Multiple Dwellings, Lodges, Clubs, etc.) modified District
<u>Surrounding Lands</u>		
to the north	CP Railway lands	"J" (Light and Limited Heavy Industry, etc.) District
to the south	row dwellings, one and Two-Family Dwellings	"D" (Urban Protected Residential - One and Two-Family Dwellings Townhouses, etc.) District
to the east	CP Railway lands	"A" (Conservation, Open Space, Park and Recreation) District
to the west	warehouse recently rezoned to permit conversion to offices	"L-mr-2" (Planned Development-Multiple Residential) District







## **OFFICIAL PLAN:**

The subject lands are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan, and are located within "SPECIAL POLICY AREA 3" on Schedule "B" - SPECIAL POLICY AREAS of the Official Plan. The following policies, among others, would apply to the proposed development:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
  
- A.2.1.3      Within areas designated RESIDENTIAL, land uses compatible to dwellings and deemed necessary by Council to serve the needs of local residents will be permitted, including, but not limited to:
  - ii)      Schools, churches and similar institutional uses less than .4 hectare in size, in accordance with the provisions for Major Institutional Uses as set out in Subsection A.2.6 of this Plan;
  
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
  
- A.2.1.13      Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.
  
- A.2.1.15      Prior to the approval of RESIDENTIAL development adjacent to railway rights of way, Council will have regard for the requirements of Subsection B.3.5, Rail Service.
  
- B.3.5.2      In this regard, special provisions will be established through detailed Neighbourhood Plans or when reviewing major development and/or redevelopment proposals to protect land uses adjacent to RAIL lines and in accordance with the following provisions:
  - i)      Prior to the approval of residential and institutional development or redevelopment proposals adjacent to RAIL lines, Council may require that a study and analysis of noise, vibration and air quality be carried out by the owner. Such a study will be to the satisfaction of Council in consultation with the Region and appropriate agencies and according to terms of reference established by Council in consultation with others;







- ii) Additional setback and buffer requirements for abutting non-Industrial land uses to reduce the level of noise and vibration generated by trains;..

#### C.7.1

In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

- i) Provision and maintenance of adequate off-street parking;
- iv) Acquisition , removal or improvement of buildings in RESIDENTIAL areas;

#### C.7.3

Council will insure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:

- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- v) Support the concept of an accessible RESIDENTIAL community throughout Hamilton and will encourage the development of a wide range of RESIDENTIAL care and short-term facilities through appropriate recognition in the Zoning By-law;

#### A.2.9.3.1

The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule "B" will apply in addition to all the Residential policies of Subsections A.2.1 and C.7 and Policy A.2.8.1.(ii);

- i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;
- ii) Further to the above, a wide variety of densities, unit sizes, building styles, incomes and household groups will be accommodated. Housing suitable for families, the physically disabled, and senior citizens will be particularly encouraged;"

As the proposed use can be regarded as an institutional type use, the following policies are notes:







- "A.2.6.1 The primary uses permitted in the areas exceeding .4 hectare in size designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and related uses.
- A.2.6.2 MAJOR INSTITUTIONAL USES may be located in Residential neighbourhoods and will be encouraged to locate where they will function as a focus for the neighbourhood and on sites adjacent to other Institutional Uses, or a Neighbourhood Commercial use to permit the sharing of parking and other facilities in accordance with the following provisions:
- i) Sufficient off-street parking and loading will be required, with particular consideration for their on-site location, and appropriate buffer and landscape treatment to effectively screen the development from surrounding uses;
  - ii) The proposal is of a scale that will be compatible to, and integrate with, the character of established or approved development in the surrounding area; and,
  - iii) Adequate provision has been made for access by the physically disabled and senior citizens."

The proposal complies with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "MEDIUM DENSITY APARTMENTS" on the approved Corktown Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

#### ***COMMENTS RECEIVED:***

- The Building Department has advised that:
  - "1. The term "retirement home" is not defined in the Zoning By-law. Comments are based on the proposed use being a residential care facility.
  2. The "E" zoning district permits a maximum capacity of twenty (20) residents in a Residential Care Facility.
  3. Ancillary service uses e.g. hairdressing establishments, are uses not permitted in a Residential Care Facility.







4. a) Based on the proposed capacity of seventy (70) residents as indicated in the application, a total of twenty-four (24) parking/manoeuvring spaces will be required. A parking layout has not been submitted.
- b) Based on the proposed capacity of sixty-four residents as indicated on the plans, a total of twenty-two (22) parking/manoeuvring spaces will be required.
5. Sections 2(a)(i) 1, 2(d) and 2(e) of amending By-law No. 86-179 should be repealed as they apply to a multiple dwelling only.
6. It is not known whether or not it is intended that the contents of Sections 2(b), 2(c) and 2(f) of amending By-law 86-179 will be applied to the proposed use. If not, then relevant requirements of Sections 11 and 18A of the Zoning By-law will apply.
7. To summarize the foregoing comments, variances will be required for items 2, 4(a) and 4(b)."

In addition to the foregoing, the following comments were received indicating that following additional variances will be required:

- "1. A Residential Care Facility located at # 106 Catharine Street South is within the required radial separation of 180 metres.
2. The proposed canopy over the ramp for the physically handicapped will provide a 0.0 m setback to the westerly property line."

• The Traffic Department has advised that:

"..we have reviewed the above-noted application and have no objection to the intent of conversion to a residential care facility.

However, the Zoning By-law requires a residential care facility to supply 1 space per 3 persons who may be lawfully accommodated. This proposed 70 person facility would then require 24 parking spaces and there is insufficient room on-site for this number of spaces. To date we have received no written rationale for a reduction in parking and, therefore, are not in a position to support any such variance."

The following additional comments have been submitted by the Traffic Department:

".. based on additional information supplied by the applicant, we are now willing to support the intent of conversion to a 70-person residential care facility on the condition that 13 parking spaces be supplied."







- The Hamilton - Wentworth Roads Department has advised that:

"There are public watermains and combined storm and sanitary sewers available to service these lands.

As a condition of approval, we recommend that the applicant enter into an encroachment agreement with the City of Hamilton for the portions of the building, steps and retaining wall which encroaches upon the road allowance. The applicant is required to submit plans outlining all such encroachments, plus a plan detailing the landscaping of the subject lands."

- The Hamilton-Wentworth Department of Social Services has advised that:

"There are a few points we would like to draw to your attention about this application which proposed the development of a second-level lodging house on this site:

- (1) in homes (65) with Regional subsidy agreement, at the present time, there are approximately 250 vacant beds;
- (ii) the Regional subsidy contract limits houses to a 24-bed maximum, to avoid an institutional milieu;
- (iii) this site is adjacent to the main CP Rail lines which, unless the building renovations provide sound-proofing, will cause a high level of noise."

- City Clerks Department-Licence Division has advised that:

"We are concerned about the location of the building as the Second Level Lodging House By-law states that no house, established after October 1, 1980, shall be located where, in any hour, the noise level exceeds 58 decibels."

- Go Transit has advised that:

"We have reviewed the documents and while we have no concerns with the proposed land development proposal, there are some comments which should be taken into consideration.

As you may already know, GO Transit is studying a proposal to reroute GO Rail service from the existing Hamilton VIA/GO Rail Station to a newly designed T.H.& B. Station. Furthermore, the volume of freight traffic along the CP tracks adjacent to the captioned site is increasing, consequently CP should be contacted to determine any requirements for additional right-of-way through this area. More specifically, this matter should be brought to the attention of Mr. D.F Lightheart, Manager of GO Transit Projects for CP Rail.







When this takes place, there may be a corresponding increase in noise levels from rail traffic. However, if appropriate noise abatement techniques are implemented by the developer, this should not be a problem."

- The Ministry of Environment has advised that:

" I am accepting Mr. Hudoba's letter as evidence that the building to be converted has good noise attenuation characteristics, and that conscious effort will be made to increase its attenuation capabilities to levels at or approaching closely our noise level objectives for indoor residential environments"

- CP Rail has advised that:

"...we foresee no objections to this proposal, provided certain conditions are adhered to. Specifically, these conditions are:

1. The installation does not create any negative impact on CP's railway operations in the area.
2. The fence & cedars be installed at his/developer's cost (i.e. at no cost to CP). Additionally, the fence & cedars shall be properly maintained at no cost to CP.
3. The proposed location of the fence & cedars is situated on railway property. The occupied railway property would be leased to him/developer, at market value rate, for the term of occupation, until such time as CP requires the property, at which time he/developer will pay the entire cost of relocating (to the correct property line) the fence & cedars.
4. Should the property be sold for redevelopment purposes, the Vendor at that time will assume 100% of the cost of relocating (to the correct Property line) the fence & cedars.
5. All of the above conditions are subject to approval of CP Rail management."

In addition to the above comments, CP Rail has verbally advised that since the property is already zoned to permit a multiple dwelling (a 35 unit senior citizen's apartment building), that they would not be opposed to the proposal as applied for.

#### **COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the intent of the approved Corktown Neighbourhood Plan.
3. The proposal has merit and can be supported for the following reasons:
  - it complies with the intent of the Official Plan;







- it complies with the intent of the approved Corktown Neighbourhood Plan;
  - it would not be out of character with existing development in the area. Further, the adjoining lands to the west and north are designated for "Medium Density Apartments" in the approved Corktown Neighbourhood Plan;
  - it is an adaptive re-use of an existing older vacant industrial building which will improve its appearance within the neighbourhood;
  - City Council are already on record of supporting the conversion of the vacant industrial building to a 35 unit apartment building for senior citizens. In this regard, it would be no less feasible to permit its conversion to a residential care facility for 70 residents being qualified senior citizens;
  - its location in proximity to the downtown provides good access to social services, cultural and recreational facilities, public transportation, etc.; and,
  - it supports Council's Housing Intensification Strategy to encourage proposals for conversions of non-residential buildings to residential use where appropriate. In this regard, it also supports the Provincial Policy Statement on Land Use Planning for Housing.
4. The provision of a beauty parlour/barber shop and amenity space within the existing building can be supported as such uses are considered appropriate accessory uses to the residential care facility.
5. Approval of the application would require in addition to variances already established by By-law No. 86-179, the following additional variances:
- to permit a minimum radial separation distance of 143.0 m from the lot to the lot line of any other lot occupied or as may be occupied by a residential care facility instead of 180.0 m required. As there is only one other care facility located within the Corktown Neighbourhood, the requested variance (37.0 m or 121.39 ft.) is considered minor in nature and can be supported; and,
  - to permit a canopy for the ramp for the physically handicapped located along the westerly lot line. As a ramp for the physically handicapped does not require a setback from a side yard, the requested variance can be supported.

The variances with regard to landscaping, parking, loading, etc. as set out in By-law 86-179, would still apply to the proposed residential care facility.

### **CONCLUSION:**

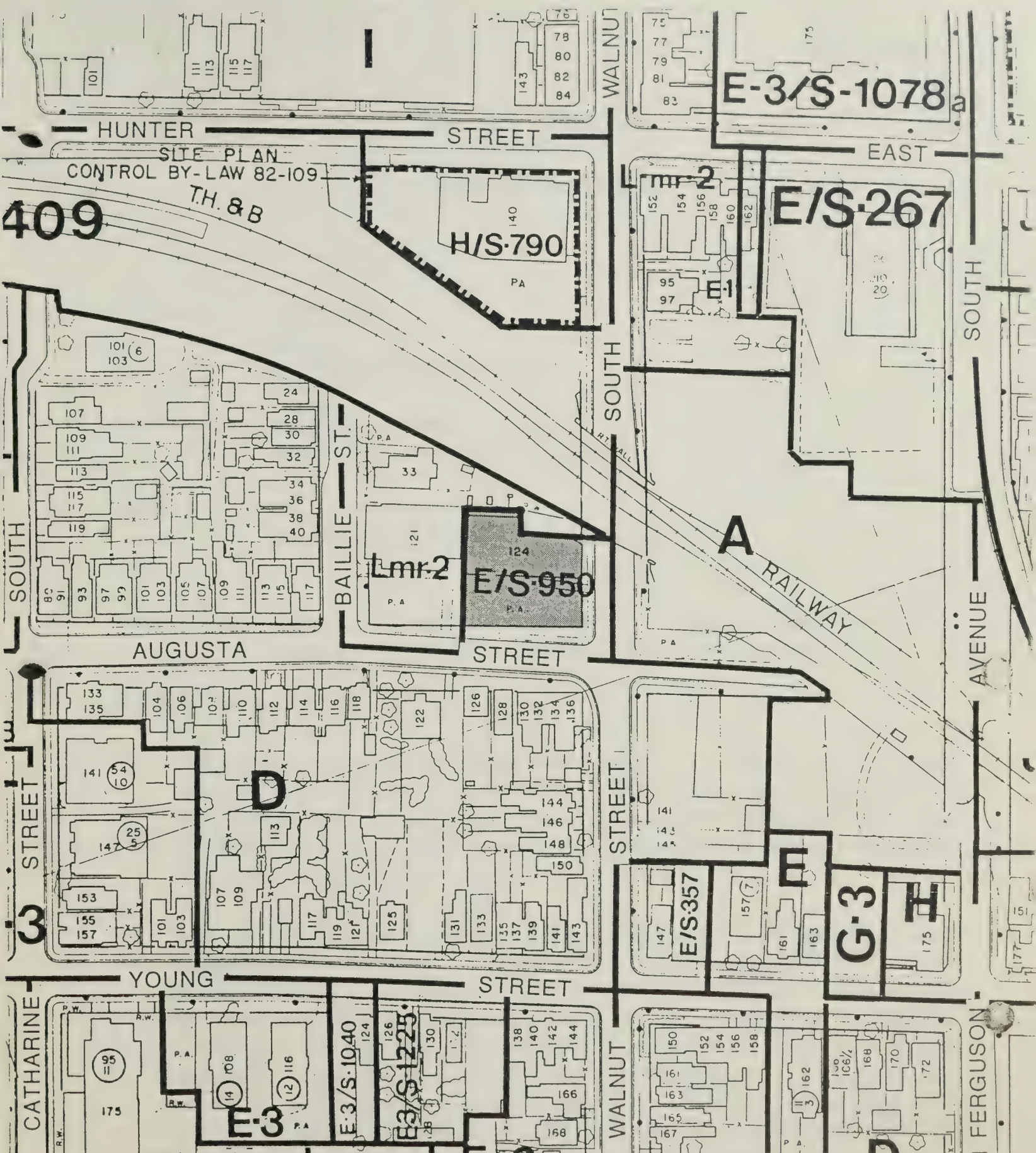
Based on the foregoing, the application can be supported.

GAW/ma/dkp

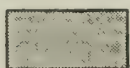








Legend



Site of the Application



APPENDIX A







APR 15 1992

6

## CITY OF HAMILTON

### - RECOMMENDATION -

**DATE:** 1992 April 14  
ZA-91-18  
Riverdale East Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for an Official Plan Amendment and changes in zoning - lands located on the west side of Bow Valley Drive and south of Highridge Avenue.

#### **RECOMMENDATION:**

- A. That approval be given to Official Plan Amendment No. to redesignate Blocks "1" and "2" from "OPEN SPACE" to "RESIDENTIAL", and to remove the affected portions of Blocks "1" and "2" from the "HAZARD LANDS" designation, and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton Wentworth.
- B. That approval be given to amended Zoning Application 91-18, Vedemo Construction Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1"); from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "2"); and from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse - Maisonette) District (Block "3"), to permit development of the subject lands for two (2) single-family dwellings and townhouses in conjunction with development of adjoining lands to the south (Block "4"), for lands located on the west side of Bow Valley Drive and south of Highridge Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:



- i) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District;
- iii) That Block "3" be rezoned from "D" (Urban Protected Residential, One and Two - Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse - Maisonette) District;
- iv) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - a) That notwithstanding Sections 9(3)(ii) and 9(3)(iii) of Zoning By-law No. 6593, no building or structure, except a fence, shall be set back less than 7.5 m from the "top of bank" along the west limit of Block "1";
- v) That the "RT-20" (Townhouse - Maisonette) District regulations as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:
  - a) That notwithstanding Section 10E(4)(b) of Zoning By-law No. 6593, no building or structure, except a fence, shall be set back less than 7.5 m from the "top of bank" along the west limit of Block "2";
- vi) That the "RT-20" (Townhouse-Maisonette) District regulations applicable to the lands shown as Block "4" be further amended as follows:
  - i) The subsection 1. of Section 2. of By-law No. 76-161 be amended by adding the wording, "except a fence" after the word "structure" in the first line, by changing the dimension "25 feet" in the second line to "7.5 m", and by substituting the wording "top of bank" for the wording "edge of the ravine" after the word "the" in the second line, so that the revised Section reads as follows:



"2.1 No building or structure, except a fence, shall be set back less than 7.5 m from the top of bank extending along the west limit of Block "1".

- vii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as S-487a, and that the subject lands on Zoning District Map E-124 be notated S-487a;
- viii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-124 for presentation to City Council;
- ix) That the proposed changes in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth;
- x) That the Riverdale East Neighbourhood Plan be amended by redesignating Block "1" from "PARK AND RECREATIONAL" to "SINGLE AND DOUBLE RESIDENTIAL", by redesignating Block "2" from "PARK AND RECREATIONAL" to "ATTACHED HOUSING" and by redesignating part of Block "3" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".

- C. That the amending By-law not be forwarded for passage by City Council until such time as the applicant submits a survey plan showing the "top of bank" to the satisfaction of the Hamilton Region Conservation Authority, for those lands adjacent to the Stoney Creek Ravine forming part of the subject lands.

**EXPLANATORY NOTE:**

- 1. City Council will adopt Official Plan Amendment No. to redesignate Blocks "1" and "2" from "OPEN SPACE" to "RESIDENTIAL", and to remove the affected portions of Blocks "1" and "2" from the "HAZARD LANDS" designation, to permit development of the subject lands for two (2) single-family dwellings (Block "1") and for townhouses (Blocks "2" and "3") in conjunction with development of the adjoining lands to the south (Block "4"), for property located on the west side of Bow Valley Drive and south of Highridge Avenue.



2. The purpose of the By-law is to provide for changes in zoning for lands located on the west side of Bow Valley Drive and south of Highridge Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:

Block "1" - Change from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

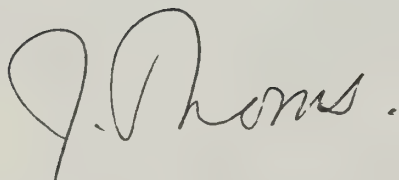
Block "2" - Change from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.

Block "3" - Change from "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse -Maisonette) District.

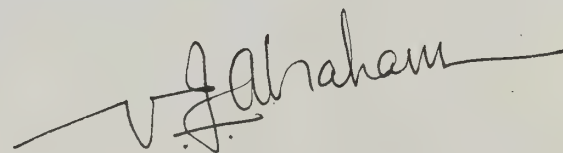
The effect of the By-law is to permit the creation of two (2) building lots for single-family dwellings on Block "1", and to permit townhouse development on Blocks "2" and "3" in conjunction with adjoining lands to the south (Block "4").

In addition the By-law provides for the following variance as a special requirement:

- To require a minimum setback of 7.5 m for any building or structure, except a fence, from the "top of bank" along the west limits of Blocks "1" and "2" and "4".



**J.D. Thoms, M.P.I.C.**  
**Commissioner**  
**Planning and Development Department**



**V.J. Abraham, M.C.I.P.**  
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A



## **BACKGROUND:**

- By-Law No. 76-161

On May 25, 1976, City Council passed By-Law No. 76-161 which rezoned adjoining lands to the south (see Appendix "A" - Block "4") from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District, and the easterly portion of the subject lands (Block "3") from "AA" (Agricultural) District to "D" (Urban Protected Residential One and Two - Family Dwellings, Townhouses, etc.) District. As a special requirement, the By-law established a minimum setback of 7.5 m for any building or structure, from the edge of the Stoney Creek Ravine. The By-Law came into force on September 16, 1976.

- By-Law No. 76-220

On July 27, 1976, City Council passed By-Law No. 76-220 to amend By-Law 76-161 to correct/establish a new site identification number (i.e. "S" number) respecting the lands. This By-Law also came into effect on September 16, 1976.

- Current Proposal

The purpose of the proposed Official Plan Amendment and changes in zoning is to permit future development of the subject lands for two (2) single-family dwellings on Block "1", and for townhouses on Blocks "2" and "3" in conjunction with development of adjoining lands to the south, providing for a total of 45 townhouses (see Appendix "B").

- Neighbourhood Information Meeting

On January 13, 1992, the Ward Aldermen held a Neighbourhood Information Meeting at St. Agnes Separate School to obtain input from area residents as to the future use of the northerly part of the applicants lands (Blocks "1", "2" and "3") located within the Riverdale East Neighbourhood, (i.e. to retain the lands for park/open space purposes or to develop the lands for single-family or townhouse purposes). Representatives of the Planning Department and Real Estate Department were also in attendance, along with the applicant and his agent to explain the various options. At the conclusion of the meeting a vote was taken by the Aldermen to determine which option should be supported. The majority of residents present (approx. 40), supported a proposal to permit two (2) single-family dwellings on Block "1" fronting onto Bow Valley Drive, and to permit townhouses



on the remaining lands (Blocks "2" and "3") in conjunction with the development of adjoining lands to the south (Block "4") also owned by the applicant, currently zoned "RT-20". It was identified that the combined townhouse site would yield approximately 41 to 45 townhouses. As a result of this meeting, the applicant amended his application to reflect the wishes of the residents.

***APPLICANT:***

Vedemo Construction Limited, owner.

***LOT SIZE AND AREA:***

The subject lands are irregular in shape and have approximately:

- 45.0m of lot frontage on Bow Valley Drive;
- 40.0m of frontage on Highridge Avenue; and,
- 4,800m<sup>2</sup> (51,668.46 sq. ft.) of lot area.

The combined site (subject lands and the applicants adjoining lands to the south within the City of Hamilton) has a lot area of 12,463.9m<sup>2</sup> (3.08ac.).

***LAND USE AND ZONING:***

	<u>Existing Land use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	vacant	"AA" (Agricultural) District and "D" (Urban Protected Residential - One and Two -Family Dwellings, Townhouses, etc.) District
<u>Surrounding Lands</u>		
to the north	vacant and single family dwellings	"A" (Conservation, Open Space, Park and Recreation) District and "C" (Urban Protected Residential, etc.) District



to the south	vacant	"RT-20" (Townhouse - Maisonette) District, modified
to the east	single - family dwellings and vacant lands	"R-2" (Urban Protected Residential One and Two - Family Dwellings, etc.) District
to the west	vacant	"A" (Conservation Open Space, Park and Recreation) District

### ***OFFICIAL PLAN:***

The subject lands are designated in part "OPEN SPACE" (Blocks "1" & "2"), and in part "RESIDENTIAL" (Block "3"), on Schedule "A" - Land Use Concept Plan of the Official Plan.

In addition, the "OPEN SPACE" lands are located within the "HAZARD LANDS" designation on Schedule "C" of the Official Plan. The following policies, among others, would apply:

- "A.2.4.1      The primary uses permitted in the areas exceeding .4 hectare designated on Schedule "A" as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries; forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provision of Subsection A.3.1. of this Plan).
- A.2.4.5      Where lands designated OPEN SPACE are in private ownership and application is made requesting a change in land use, due consideration will be given by Council to the most desirable use.
- A.2.4.8      Where land designated OPEN SPACE is under private ownership, it is not intended that this land will necessarily remain so designated indefinitely, nor will this Plan be construed as implying that these areas are free and open to the general public or will be purchased by the municipality or any other public agency."



With regard to the "HAZARD LANDS" designation on Schedule "C" of the Official Plan, the following policies, in addition to those cited above, would apply:

"A.3.1.1      Certain areas within the City of Hamilton which form a part of the OPEN SPACE designation on Schedule "A" are recognized as having inherent environmental hazards such as flood and erosion susceptibility. These areas are only schematically shown as HAZARD LANDS on Schedule "C" to this Plan. Accordingly, it is intended that a proponent for redevelopment or development purposes abutting on, or within, HAZARD LANDS make reference to the "flood-line" and "fill-line" mapping approved by the appropriate Conservation Authority for precise delineation.

A.3.1.2      The general intent of this Plan is that there should be no encroachment of development or major landscape alterations of these HAZARD LANDS and accordingly, the following policies will apply:

- i)      No buildings, structures or fill will be permitted in these areas, except where buildings and structures are intended for flood or erosion control, or are normally associated with the flood plain or landscape stabilization, or are required essential utilities, and are approved by Council, the Region and the Conservation Authority having jurisdiction. Further, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by Council and the Conservation Authority having jurisdiction;
- iv)      No portion of a building, structure or tile field will encroach into a setback from a stream, natural watercourse or pond, or from valley "fill lines" or "top-of-bank" lines as determined by the Conservation Authority having jurisdiction;
- v)      HAZARD LANDS will be zoned in a separate classification in the implementing Zoning By-Law; and,

A.3.1.3      Notwithstanding the foregoing, any amendments for redesignation of HAZARD LANDS as shown on Schedule "C" for other purposes may be considered by Council after taking into account:

- i)      The existing environmental hazards;



- ii) The potential impacts of these hazards;
- iii) The proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices;
- iv) The cost and benefits in monetary, social and biological value in terms of any engineering works and/or resource management practices needed to overcome these impacts;.."

The proposal does not comply with the "OPEN SPACE" designation or the "HAZARD LAND" policies.

The lands currently zoned "D" (Block "3") are designated "RESIDENTIAL" on Schedule "A" - Land Use Concept, and are subject to, among others, the following policies:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14 In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
  - i) The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii) Appropriate open space; including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.



- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
  - iii) Improvement and maintenance of street landscaping;
  - viii) Other similar action or matters as Council may deem appropriate.
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern."

In summary, approval of the application would require redesignation of Blocks "1" and "2" from "OPEN SPACE" to "RESIDENTIAL" on Schedule "A" - Land Use Concept Plan, and removal of the affected portions of Blocks "1" and "2" from the "HAZARD LANDS" designation shown on Schedule "C" of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

Blocks "1" and "2" are designated "PARK AND RECREATIONAL", while Block "3" is designated in part "SINGLE AND DOUBLE RESIDENTIAL" and in part "ATTACHED HOUSING" on the approved Riverdale East Neighbourhood Plan. The proposal would require redesignation of Block "1" from "PARK AND RECREATIONAL" to "SINGLE AND DOUBLE RESIDENTIAL", redesignation of Block "2" from "PARK AND RECREATIONAL" to "ATTACHED HOUSING", and redesignation of the northerly part of Block "3" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".



**COMMENTS RECEIVED:**

- The Building Department has advised that:
  - "1. By-law 76-161, as amended, by By-law 76-220 requires that all buildings or structures shall be setback at least 25 feet from the edge of the ravine extending along the westerly limit of the existing RT-20 district lands. Therefore, this special requirement shall also apply to the lands of this application which is being zoned "AA" to a "RT-20" District. Furthermore, it is recommended that the special requirement apply to the lands being zoned to "C" District.
  2. With regards to the special requirements of not permitting all buildings or structures within 25 feet of the edge of the ravine, it is recommended that at least a fence be permitted.
  3. The proposed development indicates three (3) buildings adjacent to the edge of the ravine and the buildings do not provide a setback of 25 feet.
  4. The access driveway for the townhouses is not located 3.0m from the adjacent residential district as required under Section 18A.(25).
  5. The Land Division Committee application S-1-91 (969 - 971 Queenston Road, Stoney Creek) indicated that these lands have an area of 12,463.9m<sup>2</sup> (3.08 acres) which includes the lands that are to be zoned "C".
  6. The lots in the proposed "C" zone shall have minimum lot widths of 12.0m and lot areas of 360m<sup>2</sup>.
  7. Further comments will be stated at the Site Plan Control application submission procedure."
- The Hamilton-Wentworth Roads Department has advised that:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands. We recommend that the Zoning By-Law not be final approved until all outstanding servicing costs adjacent to the 0.3m reserve have been dealt with.



Bow Valley Drive and Highridge Avenue adjacent to the subject lands were incorporated into the highway by By-Law No. 90-175 and shown as Part 1 on reference Plan 62R-8380.

Any works which may occur within the adjacent road allowance must conform to the City of Hamilton Streets By-Law.

Due to a bend in the roadway, visibility through the horizontal curve is limited and comments from the City Traffic Department on the easterly access should be considered. Comments on access, grading, setbacks, etc. will be submitted at such time as we receive a site plan control application.

These lands are designated as single/double family housing and park on the approved neighbourhood plan".

- The Hamilton Region Conservation Authority has advised that:

"Parts 1 and 2" of the subject property appears to fall within the fill regulated area associated with Stoney Creek. This watercourse is susceptible to flooding under Regional storm conditions and therefore is subject to Ontario Regulation 617/86, the fill and construction regulation of the Hamilton Region Conservation Authority (see attached plan).

The western edge of Parts 1 and 2 of the subject property borders on the ravine slope associated with Stoney Creek. The Conservation Authority has adopted plan review guidelines regarding ravine slopes, which recommend a minimum twenty-five (25) foot building setback, measured from the top of the ravine. In this regard, the Conservation Authority staff request that the applicant prepare a "top of bank" survey, satisfactory to the H.R.C.A., for Parts 1 and 2 of the subject property, showing the above noted setback line.

Based on the above, the Hamilton Region Conservation Authority does not have any objection to the approval of this application providing the zoning by-law incorporates the above noted twenty-five (25) foot building setback, measured from the surveyed "top of bank".



- The Public Works Department, Parks Division has advised that:

"Parks Division staff have no objections to the proposed amendment with the reservation that this proposal has received the endorsement of neighbourhood residents.

It is the understanding of this division that a public open house meeting, hosted by both of the Ward 5 Aldermen, was held on January 13, 1992. At this meeting those in attendance approved the proposed amendment fully realizing that the lands designated for park's purposes, according to the existing neighbourhood plan, would not be acquired by the City and that their end use would be reflected in the Zoning Amendment Application 91-18.

This scenario will result in a cash-in-lieu payment for the previously designated parkland, to be paid by the developer to the 5% park dedication fund."

- The Traffic Department, and the City of Stoney Creek have no comments or objections.

#### **COMMENTS:**

1. The proposal does not comply with the intent of the Official Plan. Approval of the application would require redesignation of Blocks "1" and "2" from "OPEN SPACE" to "RESIDENTIAL" on Schedule "A" - Land Use Concept plan, and removal of the affected portions of Blocks "1" and "2" from the "HAZARD LANDS" designation shown on Schedule "C" of the Official Plan.
2. The proposal conflicts with the intent of the approved Riverdale East Neighbourhood Plan. Approval of the application would require redesignation of Block "1" from "PARK AND RECREATIONAL" to "SINGLE AND DOUBLE RESIDENTIAL", redesignation of Block "2" from "PARK AND RECREATIONAL" to "ATTACHED HOUSING", and redesignation of the northerly part of Block "3" from "SINGLE AND DOUBLE RESIDENTIAL" to "ATTACHED HOUSING".
3. As noted in the background section of this report, the Ward Aldermen held a Neighbourhood Information Meeting to obtain input from area residents as to the future use of the northerly part of the applicants lands ( i.e. to retain Blocks "1" and "2" for park/open space use, or to develop the lands for single-family or townhouse purposes). As a result of this meeting, it was the consensus of the majority of area residents that the application as amended, providing for two (2) single-family dwelling lots fronting



onto Bow Valley Drive (Block "1") and for townhousing (Blocks "2" and "3") should proceed, as the use of Blocks "1" and "2" for park/open space purposes was not warranted because of the amount of open space available in this neighbourhood.

4. The application has merit and can be supported for the following reasons:

- it would be compatible with existing single-family development to the northeast, park and open space use to the north and west, future commercial development to the southeast, and future townhouse and multiple residential development to the south, partly within the City of Hamilton and partly within the City of Stoney Creek;
- the development of Blocks "2" and "3" for townhouses is a natural extension of the designated and approved townhouse site to the south, and would establish uniform "RT-20" zoning of these lands (note: Block "3" is already zoned " D" (Urban Protected Residential One and Two - Family Dwellings, Townhouses, etc.) District which permits townhouses subject to the "RT-20" District regulations);
- the site is located within close proximity to public transit routes on Queenston Road;
- the site is located within close proximity to neighbourhood shopping facilities (existing and proposed), neighbourhood schools, and is readily accessible to park and open space lands serving this neighbourhood;
- the requested changes in zoning would be appropriate for the proposed development.

5. In accordance with the recommendation of the Hamilton Region Conservation Authority, a minimum twenty-five (25) foot building setback, measured from the top of the ravine is required. In this regard, the Conservation Authority staff request that the applicant prepare a "top of bank" survey, satisfactory to the H.R.C.A., for the area adjacent to the Stoney Creek ravine, showing the above noted setback line. Should the application be approved, the amending By-law should not be forwarded for passage by City Council until such time as the survey plan is submitted to the satisfaction of the Conservation Authority. The amending By-law should incorporate this building setback as a special requirement.



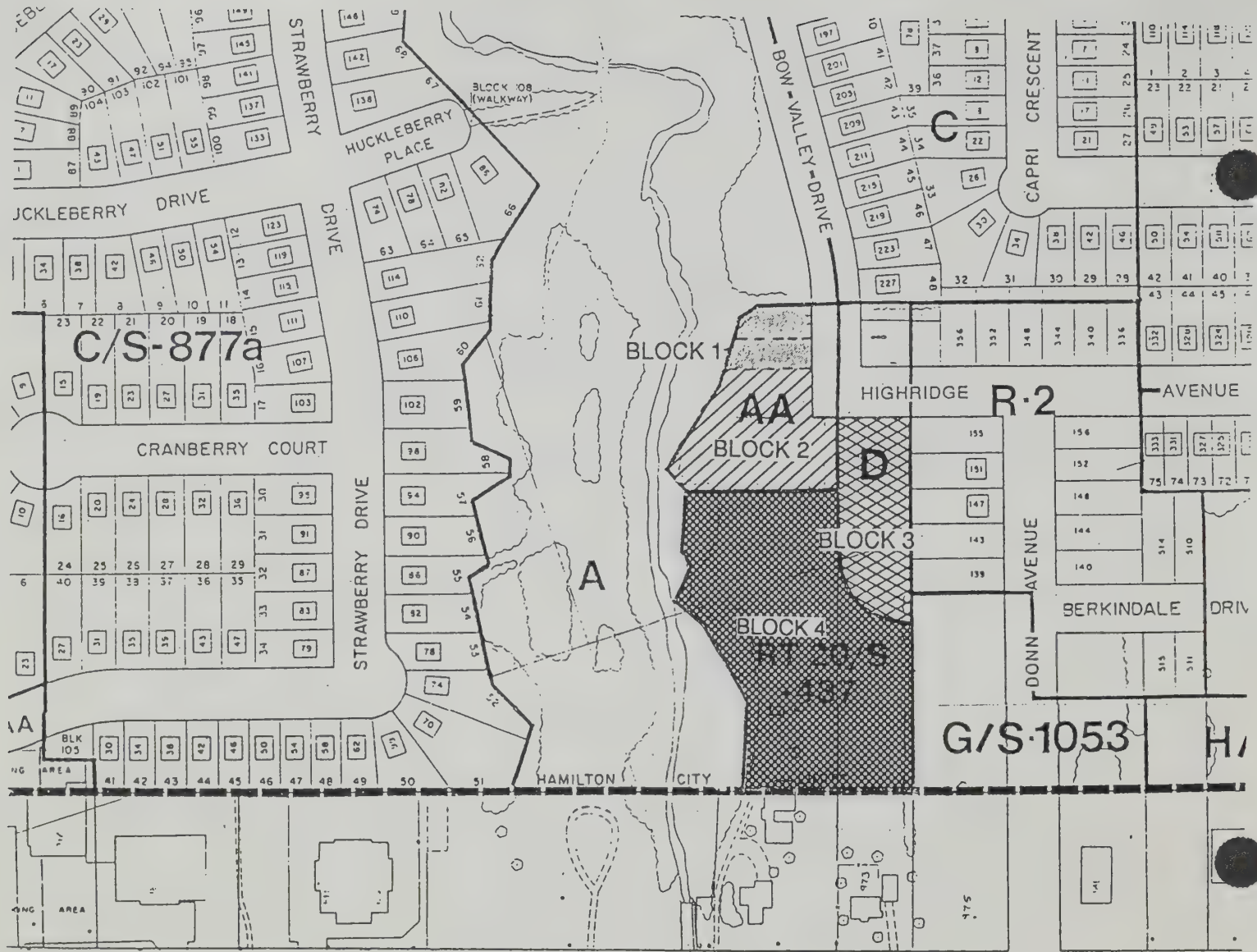
6. It should be noted that By law 76-161, as amended by By-law 76-220, applicable to the applicant's adjoining lands to the south, which are to be developed in conjunction with the subject lands, requires that all buildings or structures shall be setback at least 25 feet from the edge of the ravine extending along the westerly limit of the existing "RT-20" District lands. In this regard, it should be noted that this special requirement would not provide for fencing, which is defined as a structure in the Zoning By-law, within this setback area. As the Conservation Authority has advised that they would not be opposed to fencing, it would be appropriate to amend Section 2. 1. of By-law 76-161 to permit fencing. In addition, it is suggested that the dimension "25 feet" in the second line be changed to "7.5 m" and wording "edge of the ravine" contained in the By-law should be replaced with the wording "top of bank" to be consistent with the wording specified in the Conservation Authorities comments submitted.
7. The "RT-20" (Townhouse - Maisonette) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223. In this regard matters such as access, landscaping, grading, fencing, parking and loading, etc. can be reviewed at the site plan approval stage of development, including the recovery of outstanding servicing costs.

### ***CONCLUSION:***

On the basis of the foregoing, the application can be supported.

GAW/ma  
ZA9118



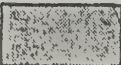





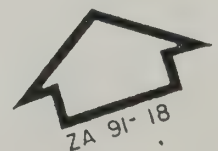
QUEENSTON ROAD

MOUNTAIN AVENUE NORTH

### Legend


Proposed change in zoning from :

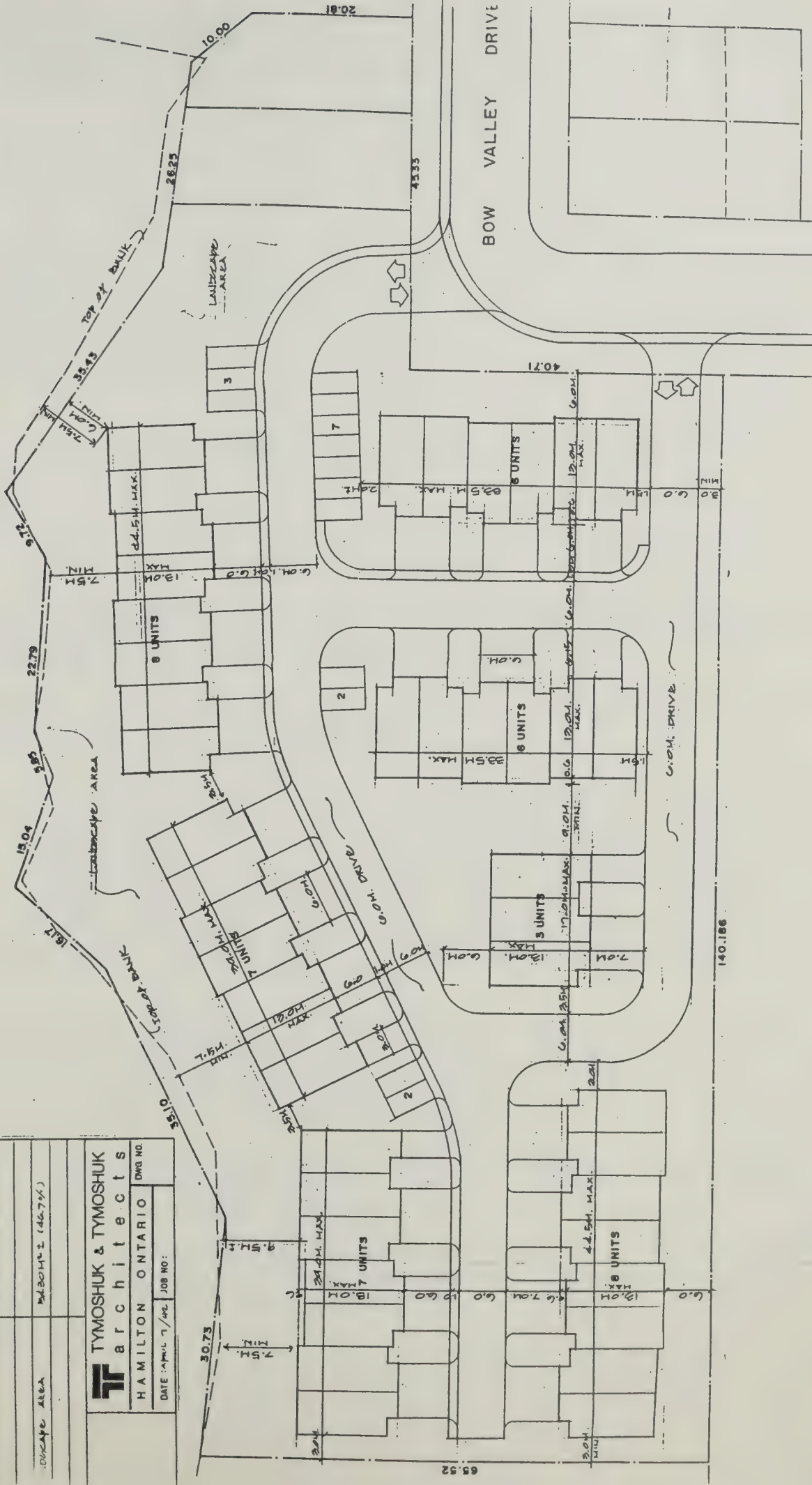
- |         |   |   |
|---------|---|---|
| BLOCK 1 |  | "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.   |
| BLOCK 2 |  | "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.  |
| BLOCK 3 |  | "D" (Urban Protected Residential-One and Two Family Dwellings, Townhouses, etc.) District to "RT-20" (Townhouse-Maisonette) District. |
| BLOCK 4 |  | Lands to be further amended   |





DETAILS OF DEVELOPMENT

RT-20	11,616.55 M <sup>2</sup>
AREA OF LAND	45 UNITS
NO. OF BUILDING UNITS	2 STOREY
BUILDING HEIGHT	45 CANELED 9.2 CM, SURFACE 12.7 CM
NO. OF PARKING SPACES (MIN)	45 CANELED 9.2 CM, SURFACE 12.7 CM
DEVELOPER	45 CANELED 9.2 CM, SURFACE 12.7 CM
DATE: APRIL 7/1992	JOB NO:
 <b>TYMOSHUK &amp; TYMOSHUK</b> architects HAMILTON ONTARIO	
DATE: APRIL 7/1992 JOB NO:	









"Copy sent to V. Abraham, Director of Local Planning, Planning Department, P. Noe Johnson, City Solicitor, Law Department, Alderman D. Drury, Chairperson, Planning and Development Committee, M. Main, Director of Traffic, Traffic Department - 1992 April 16."

TO: CRAWFORD ST  
Hamilton, Ont.  
L8E 4R4

6a)

March 31, 1992

Secretary  
Planning and Development Committee  
City Hall  
71 Main Street West  
Hamilton, Ontario  
L8N 3T4

RE: CHANGE IN ZONING REFERENCE TO FILE ZA-91-18 SEQ-00066

Dear Planning and Development Committee members,

I am a landowner who has received a proposed change in zoning notification in reference to the property description - **WEST SIDE OF BOW VALLEY DRIVE AND SOUTH OF HIGHRIIDGE AVENUE.**

I am opposed to this proposed change. Living just to the west of the property in question where my back yard faces the ravine, I think qualifies my opinion for consideration.

First of all at the present time the area is too congested with automobiles and people. The present zoning was established because of the sensitivity and concern about the greenbelt - ravine. A buffer zone is needed when you place high populated areas near greenbelts. Townhouses are high density and they will only create problems because of the increased population. The ravine after a few years of cleaning up by the local residents is still being used by some people as a garbage dump. Think about what a large population beside the ravine will do with reference to garbage.

In the warmer weather, the raving is a hang out for teenagers, lighting fires and drinking alcohol and or drugs. The ravine would be a perfect place for teenagers living in the townhouses to hang out. The police have problems now with teenagers in the ravine. With an increase in population the problem will only get worse.

The ravine is not like a park. High population density near a park is fine. Do not mistake the ravine for a park. Greenbelts must be protected from people, just like roads and expressways.

The land in question, is abutting land that is in the control of Stoney Creek. Two parcels of land owned by two different cities, governed by two separate zoning laws and by-laws.



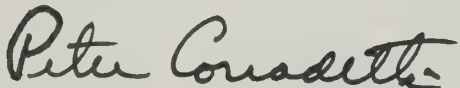
APR 08 1992

I know that the City of Hamilton and the City of Stoney Creek do not work well with each other when it comes to zoning changes and by-laws. A perfect example is the land between the Alpine Hotel in Stoney Creek and Strawberry Dr. If you would like details about the problem, contact Alderman Agostino or me. What would result if Hamilton allows for a high density zoning change, and then Stoney Creek allows the same on the adjacent land? We the residents in the immediate area would suffer the consequences. The builder would not suffer, he will only profit. The committee members would not suffer, because they do not live here.

As I said before, a buffer zone is needed between the ravine and a high density population zone. The city in the past had good wisdom to zone it the way they did because they had regard for the greenbelt. Why does the builder want to destroy a beautiful green space? There are other areas in the city where he could build townhouses and not even need a zoning change. I think the motive here is money. The builder can make more money if he gets the zoning change to build townhouses on what should be prime natural protected land.

Think carefully before you decide. Once the zoning change has been made, it will be too late to say it was a mistake. I urge you to not allow for this zoning change. Leave the greenbelt as is, and protect it with a buffer zone.

Sincerely,

A handwritten signature in cursive script that reads "Peter Corradetti".

Peter Corradetti

4/6/92/ppc



CITY OF HAMILTON

APR 15 1992

- RECOMMENDATION -

7.

**DATE:** 1992 April 15  
ZA-91-87  
Crerar Neighbourhood

**REPORT TO:** Tina Agnello, Secretary  
Planning and Development Committee

**FROM:** Mr. J. D. Thoms  
Commissioner of Planning and Development

**SUBJECT:** Request for rezoning - 1158 Upper Wentworth Street

**RECOMMENDATION:**

That approval be given to amended Zoning Application 91-87, Tyka Investments Limited, owner, requesting a change in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District (Block 1) and "RT-20" (Townhouse-Maisonette) District (Block 2) to permit the development of the subject lands for small lot single family dwellings and townhouses for property located at 1158 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- i) That Block "1" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District;
- ii) That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District;
- iii) That the "R-4" (Small Lot Single-Family Detached) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variance as a special requirement:
  - a) a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the limits of the access driveway adjoining any residential district.
- iv) That the "RT-20" (Townhouse-Maisonette) District regulations, as contained in Section 10E of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
  - a) that a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the westerly limit of the District, except for access driveways; and,
  - b) that no vehicular access shall be permitted to Upper Wentworth Street.
- v) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map E-18B be notated S- ;



- vi) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593, and Zoning District Map E-18B for presentation to City Council;
- vii) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- viii) That the Crerar Neighbourhood Plan be amended to redesignate Block "2" from "Single and Double" to "Attached Housing".

**EXPLANATORY NOTE:**

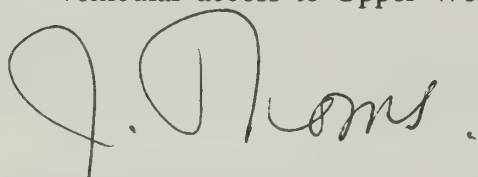
The purpose of the By-law is to provide for changes in zoning from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District for Block "1", and to "RT-20" (Townhouse-Maisonette) District for Block "2", for property located at 1158 Upper Wentworth Street, as shown on the attached map marked as APPENDIX "A".

The effect of the by-law is to permit the development of the subject lands for small lot single family detached dwellings on Block "1" and townhouses on Block "2". The by-law includes variances to the "R-4" (Small Lot Single-Family Detached) District as follows:

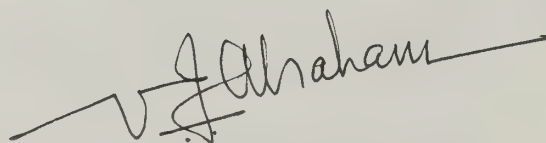
- a visual barrier of not less than 1.2 m and not more than 2.0 m in height shall be provided and maintained along the limits of the access driveway adjoining any residential district.

In addition, the by-law includes variances to the "RT-20" (Townhouse-Maisonette) District as follows:

- a visual barrier of not less than 1.2 m and not more than 2.0 m in height be provided and maintained along the westerly limit of the District (except for access driveways), whereas none is required; and,
- vehicular access to Upper Wentworth Street is prohibited.



**J. D. Thoms, M.C.I.P.**  
**Commissioner**  
**Planning and Development Department**



**V. J. Abraham, M.C.I.P.**  
**Director of Local Planning**

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**BACKGROUND:**

- Proposal

The applicant is requesting a rezoning of the subject lands to "R-4" (Small Lot Single-Family Detached) District for Block 1 and "RT-20" (Townhouse-Maisonette) District for Block 2 to permit the development of small lot single family dwellings and townhouses.



- Zoning Application 91-65

An application has been received to rezone the adjacent lands to the west from "AA" (Agricultural) District to "R-4" (Small Lot Single-Family Detached) District. This application is consistent with the draft approved plan of subdivision (SA-85-26).

- Zoning Application 91-41

On October 29, 1991, City Council denied an application to rezone the subject lands to "RT-20" (Townhouse-Maisonette) District to permit the development of the entire site for eighteen townhouse units.

- Zoning Application 85-109

This application was requesting a rezoning of the subject lands to "RT-20" (Townhouse-Maisonette) District for land fronting onto Upper Wentworth Street and "R-4" (Small Lot Single-Family Detached) District to the rear. The applicants subsequently withdrew their application as they were unable to resolve outstanding issues including the prohibition of access onto Upper Wentworth Street and the incorporation of this proposal with the adjoining lands to the west.

- Subdivision Application 86-26

This application was for a plan of subdivision of the lands adjoining No. 1158 Upper Wentworth Street along the westerly property line. The applicant received draft approval on April 9, 1986, at which time one block was set aside for development with the subject lands (Block 17 - APPENDIX "B").

***APPLICANT:***

Tyka Investments Limited, owner.

***LOT SIZE AND AREA:***

The subject lands have:

- a frontage of 69.797 metres (229 feet) on Upper Wentworth Street;
- a lot depth of 69.027 metres (226.5 feet); and,
- a lot area of 4801.8 metres <sup>2</sup> (1.19 acres).

***LAND USE AND ZONING:***

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	single family dwelling	"AA" (Agricultural) District
<u>Surrounding Lands</u>		
to the north	Red Hill Creek Expressway	"AA" (Agricultural) District



to the south	townhouses and single family dwellings	"RT-10" (Townhouse) District and "R-4" (Small Lot Single-Family Detached) District
to the west	vacant	"AA" (Agricultural) District
to the east	vacant	"AA" (Agricultural) District

**OFFICIAL PLAN:**

The subject lands are designated **RESIDENTIAL** on Schedule A - Land Use Concept of the Official Plan. The following policies, from Subsections A.2.1 - Residential Uses and Subsection C.7 - Residential Environment and Housing Policy, should be noted:

- "A.2.1.1      The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.8      It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.
- A.2.1.14      In evaluating the merits of any proposal for multiple-family RESIDENTIAL development, Council will be satisfied that the following considerations are met:
- i)      The height, bulk and arrangement of buildings and structures will achieve harmonious design and integrate with the surrounding areas; and,
  - ii)      Appropriate open space, including landscaping and buffering, will be provided to maximize the privacy of residents and minimize the impact on adjacent lower-density uses.
- C.7.1      In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i)      Provision and maintenance of adequate off-street parking;
  - ii)      Alteration of traffic flows;....
  - viii)      Other similar actions or matters as Council may deem appropriate.



- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will ensure that the local RESIDENTIAL ENVIRONMENT is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council will:
- iii) Encourage RESIDENTIAL development that provides a range of types and tenure to satisfy the needs of the residents at densities and scales compatible with the established development pattern;
- C.7.8 Council may require appropriate measures to moderate the effects of noise, visual intrusion or other undesirable impacts on new RESIDENTIAL developments adjacent to Arterial or Inter-Regional Highways and Railway lines.
- C.7.13 Noise attenuation measures will include, but not be limited to, the following:
- iii) Building setbacks;
  - iv) Acoustical barriers such as berms, walls, favourable topographic features or other intervening structures; "

The proposal complies with the intent of the Official Plan.

#### ***NEIGHBOURHOOD PLAN:***

The subject lands are designated "Single and Double" in the approved Crerar Neighbourhood Plan. Approval of the application will require a redesignation of Block 2 to "Attached Housing".

#### ***COMMENTS RECEIVED:***

- The Hamilton Region Conservation Authority advises they have no objection.
- The Freeway Project Office advises that:
  - "1. That all on-site lot grading and drainage be designed in such a manner so that they drain away from the Freeway lands.
  2. That the 10.67 m (35') berm easement shown on the rear of the "R-4" single family lots be extended to include the lands proposed for "RT 30" (Street Townhouse).

The berm easement is to permit the Region to construct a berm during the construction of the Red Hill Creek Expressway.

We also concur that the proposed access to this development be made through the extension of Crerar Drive."



- The Hamilton-Wentworth Roads Department advises:

"Our previous comments dated October 4, 1991, with respect to ZA-91-41 are still applicable to this Application. (copy attached) In addition we have the following comments.

In the absence of any details shown, we advise that any works which may occur within the Upper Wentworth Street road allowance, as widened, or within the cul-de-sac to the rear, must conform the respective Streets By-Laws.

Direct access to Upper Wentworth will not be permitted and all access is to be from the internal street extension of Crerar Drive only. This is required due to the proximity of the Freeway off ramp terminal and the vertical crest curves on this section of Upper Wentworth Street. Therefore, as a condition of any development application approvals for these lands, we will require that access be from the internal street (Extension of Crerar Drive) only.

According to our records, the subject lands would have partial access of Crerar Drive if the 0.3 m reserve was lifted and the proper development of this property will require the acquisition of lands from the owner to the west to establish the extension of Crerar Drive to its full width.

Comments from the Freeway Office with respect to grading, setbacks, berm easements adjacent to the Freeway lands must be considered.

For your information, we have attached a copy of a cul-de-sac design and street layout previously submitted with Aspen West - Phase 1 plan of subdivision and engineering drawings which should be used for this development. We also advise that the cul-de-sac design and width of Crerar Drive shown on the plan submitted by the applicant is incorrect since the road width of the extension of Crerar Drive is 16.5 m and not 20.0 m.

We also recommend that the Townhouse Block adjacent to Upper Wentworth Street be developed through site plan control."

The Roads Department's comments of October 4, 1991, regarding ZA-91-41 are as follows:

"There are public watermain available on Crerar Drive and Upper Wentworth Street. Separate storm and sanitary sewers available on Crerar Drive south of the subject lands, these facilities are adequate for the proposed land use.

For your information, as part of future site plan and/or severances the owner will be required to:

- a) grant the Region an easement over part 1
- b) deed the Region a road widening along Upper Wentworth Street (Part 3 on Plan #62R-6077),
- c) enter into Regional and City service agreements, and
- d) resolve the extension of Crerar Drive."



- The Building Department advises that:

"Block 1

1. The lands shall conform to the provisions of Section 9A(2)(c) of By-Law 6593.
2. Every lot shall abut a public highway of a width of at least 12.0m.

Block 2

1. The proposal shows open space, yards and driveway, therefore is not considered street townhouses.
2. The proposed RT-30 zoning district provisions are applicable to "Street Townhouse" type residential use.
3. The access driveway for the townhouses is not located 3.0m from the adjacent residential district as required under Section 18A(25).
4. The access driveway does not have access from a highway as required.
5. Demolition approval of the existing residential building by the Planning and Development Committee under the Demolition Control By-Law is required."

- The Traffic Department advises:

"The applicant is requesting that Block 2 be developed as "RT-30". It is our understanding from the plan submitted with this application that 8 to 10 townhouses will be constructed on Block 2 with access being from a 6.0 metre wide private driveway. This design will require vehicles such as garage, fire, and delivery trucks to back down the 30 metre long private driveway and back out onto Crerar Drive. The design is awkward, unsafe and cannot be supported.

As previously stated in our letter for zoning application ZA-91-41, we recommend that the entire lands (Block 1 and 2) be rezoned as a single use."

**COMMENTS:**

1. The proposal complies with the intent of the Official Plan.
2. The proposal does not comply with the intent of the approved Crerar Neighbourhood Plan for Block 2. Approval of this application would require a redesignation of Block 2 to "Attached Housing".
3. The amended application has merit and can be supported for the following reasons:
  - it complies with the intent of the Official Plan;
  - the proposed development of Block 1 for small lot single family dwellings compliments and is consistent with the draft approved plan of subdivision and proposed rezoning on the adjacent lands to the west; and,



- the proposed development of Block 2 for townhouses is consistent with and represents a logical extension of the existing townhouse development to the south.
4. On the basis of the preliminary site plan submitted (see Appendix "C" attached) with the application a number of variances to the By-law would be required as follows:
- Block 1:
    - a minimum 1.5 m wide planting strip along the southerly limit of the access driveway to Block "2", whereas a minimum 3.0 m is required;
  - Block 2:
    - a minimum 0.6 m wide planting strip along the westerly boundary of the Block, whereas a minimum of 3.0 m is required;
    - a minimum 2.0 m side yard along the southerly property line, whereas a minimum of 3.0 m is required; and,
    - 8 parking spaces shown, whereas a minimum of 11 parking spaces are required.

There does not appear to be any extenuating circumstances as to why these lands cannot be developed in accordance with the By-law provisions for "RT-20" (Townhouse-Maisonette) Districts. On this basis, the above-noted variances cannot be supported.

Further, since the proposed development of Block "2" requires access through Block "1" (proposed for "R-4" (Small Lot Single-Family Detached) and is adjacent to existing similarly zoned lands, it is appropriate to provide visual barriers along both sides of the access driveway to Block "2". Similarly, it is appropriate to provide a visual barrier along the westerly boundary of Block "2" (except for the access driveway), adjacent to lands proposed for rezoning to "R-4" (Small Lot Single-Family Detached) District.

5. The Traffic Department's concerns regarding the lack of on-site turning space for service vehicles is noted however, future development of Block 2 for "RT-20" (Townhouse-Maisonettes) District would be subject to site plan control at which time issues related to parking, access, landscaping, etc. could be reviewed. Secondly, concerns respecting roadway access could be reviewed at the subdivision stage for Block "1".
6. The provision of the 10.67 m berm easement as noted in the Freeway Project Office's comments will be dealt with at the plan of subdivision and site plan approval stage.
7. The Roads Department has advised that direct access to Upper Wentworth Street will not be permitted. Accordingly, it would be appropriate to amend the Zoning By-law to prohibit access to Upper Wentworth Street.

### **CONCLUSION:**

Based on the foregoing, the amended application can be supported.





















the Golden Chest Inc.

8.

March 27, 1992

City of Hamilton  
City Hall  
71 Main St. W.  
Hamilton, Ont.  
L8N 3T4

Attn: Tina Agnello  
Secretary, Planning and Development Committee

Dear Ms. Agnello:

Re: Rezoning application for 71 Main Street West  
City of Hamilton

Please accept this letter as a formal request to appear before the City of Hamilton Planning and Development Committee to discuss an application the Planning Department has refused to accept.

I am a Hamilton taxpayer and operate a business in the City of Hamilton, the Golden Chest Inc., and thus I am a part owner of the subject property located at 71 Main Street West (ie. voting shareholder providing financial support for management, salaries, and maintenance).

The application was refused since I was deemed not an owner by both the Planning Department and Real Estate Department. I do question who is the owner of the subject property if a Hamilton taxpayer is not. Nevertheless, the Ontario Municipal Board has made the decision (Tollefson vs. Gloucester Township) that rights of the land are not limited to the registered owner, but a party who has interest or is affected by a property may submit development applications affecting said land.

Through my application, I am requesting a downzoning of the subject property to a more appropriate 'green' environmental use. Based on the present use of the land, it is my opinion that an agricultural use and zoning would provide the City of Hamilton a very fertile parcel of land capable of producing an economic gain, as compared to the present use.

- 1 -









the Golden Chest Inc.

- 2 -

I would also submit that the present use could be considered a playfield for the Board of Directors of the said property (ie. politicians) and is therefore not a permitted use under the current zoning designation. The enclosed application seeks to downzone the property from an 'HI' - Civic Centre Protected District Zone, which permits such uses as a nursing home, home for the aged, funeral home, etc., to an 'A' - Agricultural zone, which permits such uses as farmland, playground, picnic ground or other such recreational uses except one carried on as a business.

I will await a response as to the date and time when I will be able to appear before the Planning and Development Committee to discuss my concerns about the present use and the reasoning behind the rezoning.

If anyone should have any questions, please do not hesitate to have that individual contact myself directly.

I remain,

Graham O'Donnell









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R. BLUE	25073	BLEU R.
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GREEN	25075	VERT
TANGERINE	25077	TANGERINE
	25078	ROUGE
	25079	ROUGE X.

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